

INTERNATIONAL LABOUR STANDARDS A HAND BOOK

**A COMPENDIUM OF SHORTENED VERSION OF ILO Standards
under broad subject categories**

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INDIA

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**DEDICATED TO
MY REVERED PARENTS**

The Statements made and the views expressed in the book are my own and do not involve the Central Board for Workers Education in any way.

N. Vaidyanathan

FOREWORD

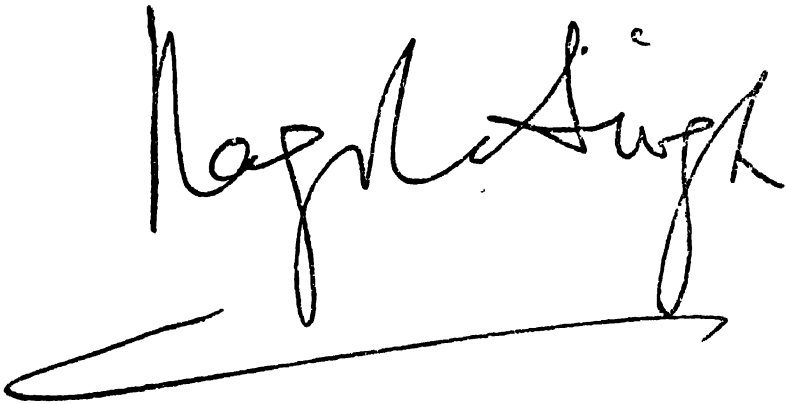
The International Labour Organisation forms an integral part of a system responsible for promoting international regulation and the all-important sphere in which it operates has for its avowed purpose the establishing of universal peace based on social justice. Manu, the earliest codifier of human laws, had said that the essence of all sound laws is the consent of all concerned, and the ILO is indeed great in building up a comprehensive code of "International Labour Laws" in the form of Conventions and Recommendations, blessed by the consent of all.

I have been closely associated with the working of this great organisation in the maritime field and have had the privilege of presiding over the 55th Session of the I. L. O. If a tree is to be judged by the fruit it bears there is no doubt that the end-product of ILO efforts and achievements lies in the formulation of Conventions and Recommendations and undoubtedly it has excelled in this respect both in quality and quantity. Surprisingly this outstanding contribution of this august body is not widely known as it should be. The need to make the ILO standards better known, by promotional and educational activities has been repeatedly emphasised in its annual Conferences.

In this context, Dr Vaidyanathan's efforts in presenting the Conventions and Recommendations, adopted by ILO, in a simplified and easily readable form is indeed pioneering. The standards have been dealt with under subject-grouping, indicating their current status and validity and reflecting the up-to-date thinking on the instruments. The utility of the book has been considerably enhanced by inclusion of a chapter about the ILO in general and the standard-setting process in particular. In the absence of any formal abrogation of the instruments, the simplified version provides complete guide on the international labour standards.

I have no doubt the present volume will be found very

useful and handy by all interested in the ILO and the standards
it prescribes with agreement of all concerned.

A large, stylized handwritten signature in black ink, reading "Nagendra Singh". The signature is written in a cursive, flowing style with a long horizontal stroke at the bottom.

Judge and Vice-President of
International Court of Justice.
The Hague

ACKNOWLEDGEMENT

I am grateful to Dr Nagendra Singh, Judge and Vice President of the International Court of Justice, for writing the Foreword.

I express my sincere gratitude to Mr Nicolas-Valticos, Chief of the International Labour Standards Department, ILO, and his colleagues, but for whose encouragement, guidance and help the present work would not have been complete.

I am thankful to Mr Bimal Ghosh, Director, ILO Area Office, New Delhi and his staff; to Mr S. J. Balasubramanyam, Assistant Director, Ministry of Labour, Govt. of India, and to the library staff of both the ILO Area Office and the Ministry of Labour, whose assistance proved very valuable to my work.

A special note of thanks is due to Mr R. V. Mathai, Indian Economic Service (Retd) for reviewing the manuscript and preparing the copy to the press, and to Mr B. N. Chakravorty, Bharatiya Vidya Bhawan for his valuable advice and encouragement. Equally I am grateful to Professor Frank Thakurdas, University of Delhi and to Mr. S. Nilakantan, Giri Institute of Economic Development and Industrial Relations, for guiding me away from blind alleys and enabling me to persist.

I am thankful to my publisher, Mr Sushil Mukherjee, who has been accommodating and taken interests in the publication of the book.

N. Vaidyanathan

PREFACE

THE BODY of international labour standards* today comprises no less than 143 Conventions and 151 Recommendations adopted by the International Labour Conference. Nevertheless the need for continued standard-setting is, on the whole, universally recognised. The precondition for the effective application of these standards is an awareness of their availability and a readiness to put them to maximum use. Surprisingly literature on such an important subject is scarce. There has been no attempt even to collect and classify the standards barring the volume brought out by the International Labour Office incorporating the texts of the Conventions and Recommendations year-wise. Even that volume needs to be updated as it covers standards adopted upto the year 1966 only.

In such a situation a concise book that covers the basic provisions of the international standards relating to labour can certainly prove useful. Workers and employers as well as their organisations, labour administrators, educators and research workers may be particularly interested. In a hand book of this kind they can have readily available up-to-date classified information without having to refer to the cumbersome texts of Conventions and Recommendations.

While preparing my earlier publication "ILO Conventions and India" I felt seriously handicapped for want of a reference book of the kind. Some of the reviews that appeared about that publication also mentioned the need for a concise, lucid and authentic gist of the international labour standards. It is in this context, the present attempt has been made.

The hand book begins with an introductory chapter on the formulation and adoption of standards and their implementation and supervision. Subsequent chapters contain summaries of all the Conventions and Recommendations adopted as on 1. 1. 76 and indicates their current status. Reliance has been placed on the ILO publications and materials furnished by the Standards Division of the ILO making the publication fully authentic. In fact some of the summaries of the standards prepared by the International Labour Office

have been adopted as such and their format of the summary has been followed. Indications regarding possible subjects for future standards have been given, which again, are based on the materials supplied by the International Labour Office for in-depth study of standards. At the end of each chapter an abstract of the standards have been included in a tabulated form.

Thus, the volume in hand presents up-to-date information on international labour standards in a concise manner. To facilitate reference, the standards have been dealt with under subject headings based on ILO's classified guide to international labour standards. It is hoped that this publication will go a long way in creating awareness of and generating interest in the International Labour standards and thereby promote among the constituents of the International Labour Organisation a constructive attitude towards them and towards their implementation.

* Since the completion of the book 4 Conventions and Recommendations have been adopted by the International Labour Conference, which includes 3 Conventions and 3 Recommendations concerning maritime workers.

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CHAPTER—I

INTRODUCTION

A : CONTEMPORANEITY OF THE INTERNATIONAL LABOUR STANDARDS

THE INTERNATIONAL LABOUR ORGANISATION (ILO) has been ceaselessly working for the establishment of universal peace through social justice for more than 56 years now. In 1969 it was awarded the Nobel Peace Prize. In accomplishing this task, the ILO has mainly relied on the setting of international standards for national application, backed by technical co-operation and education. The fact that as many as 24 Articles out of 40 in the Constitution are devoted to the preparation, adoption and implementation of international labour standards only proves the importance attached to the standard-setting process by the framers of the constitution.

However, it is sometimes argued that this traditional activity of the ILO, the elaboration of standards, is no longer relevant in the world of to-day in view of the marked improvement in the working conditions and living standards that has unquestionably taken place since 1919, when the ILO was established. A few economists have held the view that trade unionism will lose its validity as industrial society becomes technologically more sophisticated and the intelligentsia of a proletariat is transformed into a meritocracy, reducing thereby the importance of labour standards. Some critics have emphasised the urgent need for giving top priority to 'accelerated growth of economic development' rather than to 'social advancement', implying thereby that social development could wait till satisfactory rates of economic growth have brought about higher levels of prosperity in developing countries, which form the majority of the ILO membership. These arguments do not hold good for the simple reason that, men and women of the world whether from the developed or developing countries work in a dynamic and changing environment posing all the time new challenges. New solutions must be found to resolve new

difficulties. Further, despite the progress achieved by man throughout this century in mastering technology and science, and despite changes in the social order, there are still evident today conditions of labour that had necessitated the formation of the ILO in 1919. In fact, the complexity of the situation has been further accentuated by problems like inflation, upheaval of the international monetary system, brain drain, multinational enterprises, environmental pollution, energy crisis, oil monopoly etc. Viewed in this backdrop of the world canvas the standards assume the same importance as they did in 1919 and would remain in large measure the backbone of the ILO's work. Mr Valticos, the Chief of the International Labour Standards Department of the ILO, has rightly observed :—

“The standard-setting activities of the ILO can no more come to an end than progress itself. Both the formulation and the application of the standards can only go through one stage after another.....it can never allow itself to forget the scale of the task which, in this as in other fields, still remains to be accomplished”.

The need for “integration of standard-setting activities in over-all ILO plans and programmes” was emphasised during recent discussions of the In-Depth Review of International Labour Standards (February, 1976). It was observed that the ILO standards provided a “central element in the development of ILO action”, with which other forms of action—studies and research, operational activities, educational activities—must be co-ordinated.

Thus the international labour standards, the quintessence of world-wide experience in the progress towards higher social and economic objectives, continue to be the principal means at the disposal of the ILO to achieve social justice throughout the world ; and this is vouchsafed by the continued adoption of standards by the ILO year after year.

B : FORMULATION AND ADOPTION OF STANDARDS

Formulation :

The Governing Body decides the agenda of the International Labour Conference, on the basis of suggestions made by

Governments, employers' and workers' organisations, or by any public international organisation. Selection of agenda items is a delicate and difficult task. If an item is placed on the agenda before it is sufficiently mature for international consideration, the Conference is unlikely to succeed in adopting a Convention or a Recommendation. Again, if the Governing Body waits to place an item on the agenda till there is one hundred per cent certainty that such a measure can be adopted, the Organisation will tend to become a sort of recording machine rather than an initiator of progress. Therefore, the choice of items for the agenda of a Conference to be held eighteen months later always involved a careful balance and evaluation of many factors.

However, once the agenda is settled, it is for the International Labour Office, the secretariat of the Organisation, to examine the subjects proposed for submission to the Conference and to initiate documentary preparation. The Office ensures preparatory technical study of the questions under consideration in a thorough and objective manner, provides fullest preliminary consultation to Governments, and safeguards the authority and continuity of the work of the Conference.

Adoption :

The Conference discusses the questions placed on its agenda at two succeeding sessions with a view to the adoption of international regulations. Subjects so placed on the agenda are dealt with usually under the "double discussion" procedure and in exceptional or urgent cases under the "single discussion" procedure. In the earlier stages, there was no provision for amending the Conventions. Once they were adopted, they were final. Therefore, proposals were made to create a special amending procedure, which were considered in the fourth and sixth sessions of the Conference. The outcome of the discussion was the double discussion procedure, which prevents approval of badly or hastily drafted texts. Where a subject has been placed on the agenda for double discussion, the Office circulates a Preliminary Report setting out the law and practice relating to the subject in different countries and other relevant informa-

tion, together with a questionnaire, with a view to eliciting the views of the member States on the desirability of adopting international regulations and their form and scope.

On the basis of the replies and comments received from the members, the Office prepares a further report indicating the principal questions that require consideration by the Conference. This report is communicated to the member States and submitted to the Conference for discussion.

The conclusions reached by the Conference form the basis of the preliminary draft texts of the Conventions and or Recommendations drawn up by the Office and circulated for comments among member States. On the basis of the comments the Office draws up a final report containing the draft texts of the Conventions/Recommendations and places the same before the succeeding session of the Conference (simultaneously communicating the report to member States) for final discussion and decision. In the case of the single discussion procedure, the second and third stages are skipped. A majority of two-thirds of the votes cast by the delegates present is necessary for the adoption of a Convention or a Recommendation.

C : FORMS OF STANDARDS

The international labour standards take the form of Conventions and Recommendation. The original draft constitution (prepared by the British delegation) on which the Commission on International Labour-Legislation concentrated envisaged only one form of standard i.e. Conventions. Art. 18 read :

“When the Conference has approved proposal as to an item in the Agenda, these proposals shall be in the form of an *international Convention*”. (emphasis provided).

However this was not acceptable to American delegates who drew the attention of the Commission to the constitutional difficulties arising out of their federal constitution in entering into any Convention which infringed in any way the rights of the constituent States. After prolonged discussion, as a compromise measure, adoption of Recommendation was included. The revised Article (Article 19.1) reads :

“When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form : (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention”.

There is a fundamental difference between a Convention and a Recommendation. While Conventions are obligation creating instruments, Recommendations are guidance providing instruments. In other words, once the Conventions are ratified by the member-States, they become binding international obligations, where as Recommendations are essentially guides to national action and do not create international obligations. A Convention is clearly the ‘model’ type of international regulation, or what may be called ‘Precise model codes’, facilitating drafting of uniform legislation. However, when the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time, for a Convention, the Conference adopts a Recommendation. Thus a Recommendation acts as a forerunner to a Convention and in fact paves the way for subsequent adoption of a Convention. Further, a Recommendation may play a supplementary role by spelling out the precise or detailed methods of application of the basic rules or principles enshrined in a Convention. Again, there may be areas, e.g., social security, industrial relation etc., where circumstances and practices vary so widely from one country to another that binding international commitments are out of question and adoption of Recommendation is the only alternative. Thus though a Recommendation does not create binding obligation, yet it is in no way an inferior form of standard. On the other hand it serves an extensive variety of function and fulfills a different purpose.

D : REGISTRATION

Once a Convention is adopted, two copies of it are authenticated by the President of the Conference and the Director-

General of the ILO, one of them is deposited in the archives of the ILO and the other is registered with the Secretary-General of the United Nations. The Director-General also furnishes every member State with a certified copy of it. The omission of signature by member States, which normally forms an invariable part of multilateral treaty making process, is perhaps designed to remove the delay that usually occurs in the ratifications of general multilateral treaties, which adopt the dual procedure of signature and ratification. The adoption by the collective act of an international conference, by a two-third majority, dispensing with the signature of the plenipotentiaries of individual member States, as the means of fixing the form of, and giving legal existence to, Convention is an unique innovation introduced by the ILO. Jenks observes that this substitution of the formality of adoption for that of signature is not a mere change in formalities which have no substantial content, but is an important stage in the development of a procedure of collective international decision or proposals of a legislative character.

E : IMPLEMENTATION

The standard-setting process does not stop with the adoption of Conventions or Recommendations. Conventions have no automatic binding force, but only come into force in any member State through an act of ratification by the State. However, in the case of both Conventions and Recommendations, member States are obliged to bring the texts "before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action" within a period of 12 to 18 months of its adoption. In the case of a Convention if the competent authority consents, the member Government communicates the fact to the Director-General, who registers the ratification and notifies it to the United Nations and other member-States. Even when a member State votes against the adoption of a Convention, it is still under an obligation to place it before the appropriate authority for ratification. The eagerness of the ILO to ensure prompt action by national authorities is reflected in the fixing of a definite

time limit of 18 months. The revised Constitution (1946) stipulates further obligations, which were not contemplated in the original Constitution. These obligations are :

(i) Members shall inform the Director-General of the the measures taken to bring Conventions and Recommendations before the competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them.

(ii) If a Convention fails to obtain the consent of the competent authority, no further obligation shall rest upon the member except that it shall report to the Director-General, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention and showing the extent to which effect has been given or is proposed to be given to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

(iii) If no legislative or other action is taken to make a Recommendation effective no further obligation shall rest upon the member except that it shall report to the Director-General, at appropriate intervals as requested by the Governing Body, the position of the law and practice in the country in regard to the matters dealt with in the Recommendation and showing the extent to which effect has been given or is proposed to be given to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

The underlying purpose of these requirements is to ensure that all reasonable measures are taken by member States to give due consideration to the provisions of the Convention. This facilitates establishing a channel of communication between the International Labour Conference and national policy-makers, even prior to ratification, which would obviously have an important bearing on promotion and implementation of Conventions once they are ratified.

F : SUPERVISION

It is a well-known fact that any legislation will prove ineffective unless there is an appropriate machinery for the supervision of its implementation. States are, of course, expected to carry out their obligations in good faith and the principle *pacta sunt servanda* has long been considered as a fundamental rule of international law. But mere reliance on this rule, however generally it may be accepted, "still represents a rather frail basis on which to found a durable system of global rights and duties". The system of supervision enunciated by the ILO is considered to be one of the most advanced of its kind. Therefore, it will be worthwhile to examine it in some detail.

Though setting up of an international supervisory machinery involves problems of respect for national sovereignty, the framers of the Constitution of ILO took the bold step of including in the constitution itself provisions for supervision of the application of ratified Conventions. A member is required "to make an annual report to the International Labour Office on the measures it has taken to give effect to the provisions of Conventions to which it is a party." But mere submission of annual reports does not guarantee implementation of the provisions of the Conventions. The first few years' experience showed that the summary of reports placed before the Conference, as envisaged in Article 23, "failed to provide an automatic stimulus for supervision through discussion". Therefore, in 1926, the Conference recommended that each session of the Conference should appoint a special committee to examine the summaries of the reports and envisaged appointment by the Governing Body of a "Committee of experts" entrusted with the advance examination of the reports. The two Committees which originated 'as an experiment' have met since then on an annual basis and have become integral features of the organisation. The Committee of Experts was renamed as "Committee of Experts on the Application of Conventions and Recommendations" in 1949 when it was also entrusted with the exami-

nation of information and reports on unratified Conventions and on Recommendations, supplied under article 19 of the Constitution.

The members of the Committee of Experts are 18 in number, and they are chosen for their special experience and competence in the sphere of international labour laws, and personal independence. The Committee examines the report from governments under Article 22 of the Constitution on the Conventions they have ratified and the information from governments under Article 19 of the Constitution on the measures taken by them to bring the Conventions and Recommendations before the competent authorities for the enactment of legislation or other action. Members States are also called upon to report to the ILO on the implementation of certain unratified Conventions and of certain Recommendations, selected each year for this purpose by the Governing Body. This provides a further opportunity for governments to review the position in regard to such instruments and to determine what action is possible and called for to give fuller effect to them.

The observations of the Committee of Experts are submitted to the Governing Body. The observations alongwith the reports of the Governments prepared by the Office are considered by the Conference Committee on the Application of Conventions and Recommendations. The Conference Committee consisting of Workers', employers', and Government representatives, is set up at every general session of the Conference. The special stake of the representative organisations in supervision was formally recognised in 1946, when the amended Constitution made it incumbent on governments to send them (employers' and workers' organisations) copies of reports. The implication is significant, as this provision gives a powerful lever for non-governmental representatives to press their claims. The report of this Conference Committee, which has been called the "conscience of the ILO", is then submitted to the Conference.

Special Procedures of Supervision : Besides these general procedures of supervision, a special procedure was introduced

in 1950 to deal with cases involving freedom of association. A separate machinery was set up to examine complaints which might be submitted either by governments or by employers' and workers' organisations and might be lodged even against States that had not ratified the Convention on Freedom of Association. The machinery comprises two bodies—the Committee on Freedom of Association and the Fact-Finding and Conciliation Commission on Freedom of Association.

Reference may also be made to the "formal complaints procedure" laid down in Article 26 of the Constitution. The provision was virtually unused during the first forty years of the Organisation's existence. As the procedure of last resort, it seemed to play the part of the "Sword of Damocles" rather than as an alternative method for use in the most serious cases. However, for the first time in 1961, the provision was invoked when two complaints received from two States, concerning the application of the Convention on "forced labour" were submitted to the Commission of Inquiry. More and more use of this provision is being made of late.

There are two recent innovations in the system. The first innovation consists of the establishment of more direct contacts with certain governments encountering such difficulties.

The Committee of Experts suggested, in 1968, the initiation of more direct contacts, between a government and a representative of the Director-General of the ILO, and a procedure established for this purpose has been in operation since 1969. The direct contacts involve a visit to the country in question and informal discussions of the discrepancies noted or the difficulties encountered with government representatives with the necessary degree of experience, responsibility and authority. A further principle, endorsed by the Committee of Experts and already applied in practice, concerns the desirability of associating employer's and workers' organisations with the direct contacts, by keeping them informed of the topics discussed and by eliciting their point of view.

The second innovation is the ILO's action to promote a better implementation of its standards. The innovation in

question endorsed by the Governing Body of the ILO consists in the possibility of carrying out special surveys of the situation and problems of a country, with a view to making an impartial evaluation of the facts, providing the government with technical aid to clarify uncertain or disputed situations and overcoming the difficulties encountered. This new procedure is in fact in many ways similar to the procedure of direct contacts. Both procedures can be used only with the consent of the government concerned, both aim essentially at helping governments to achieve fuller compliance with ILO standards. However, there are certain differences between the two, notably the fact that the special surveys can be initiated not only at the request of the government concerned but also at the request of another member State or of any employers' or workers' organisation on questions of specific concern to them.

Thus we see that to meet the variety of situations and needs encountered in the implementation of international labour standards, the supervisory procedures themselves have developed and diversified.

G : FLEXIBILITY MEASURES

Implementation of the ILO Conventions uniformly in a world full of disparities in economic and social conditions is indeed difficult. The difficulty is further accentuated by the fact that technological advancement is leading to fast economic changes which in their turn are affecting social conditions. Can the substance of Conventions in such circumstances remain static? The answer is provided in the "flexibility measures" adopted by the ILO. The ILO Constitution provides that in framing any Convention, the Conference "shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisations, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries".

The practice of incorporating special clauses was soon.

abandoned in view of the difficulty in getting general approval of the Conference for different standards for different part of the world. However, in view of the world-wide differences in the conditions determining economic and social policy, flexibility had to be secured by other means. Therefore, while framing a Convention, care is taken to use "flexible language" to facilitate widespread ratification of Conventions under widely disparate conditions. Prominent among the flexibility devices are :

(i) *New Legislation Clause* : A State which had no legislation on the subject prior to its accession to a particular Convention might ratify the Convention on the basis of a lower standard prescribed in the Convention itself.

(ii) *Excluded Area Clause* : States, the territories of which include large and thinly populated areas or regions at a less advanced stage of development, are permitted to exclude such areas from the application of the Convention.

(iii) *Progressive Application* : By yet another device a ratifying State is permitted while ratifying to exclude certain parts of a convention from implementation. The parts so excluded may be covered subsequently. There is an obligation to report on the progress made towards complete application.

(iv) *Adoption of Convention with a Complementary Recommendation* : In an effort to avoid excessive detail in the text of Conventions, often a Convention is combine with a Recommendation. The Convention is drafted so as to make it as widely acceptable as possible, while technical and other matters are dealt with at greater length in the Recommendation.

Revision of Conventions

A further element of flexibility in standard-setting is provided by the power of the organisation to revise the Conventions. Though there is no specific provision in the Constitution for the revision of Conventions, the Governing Body considers from time to time whether working of a Convention warrants revision. Revision is effected either to reflect changes in economic or special conditions or to facilitate their ratification and application. In fact, the Director-General in his

report to the 47th Session of the Conference suggested the institution of a simplified procedure for the expeditious revision of certain strictly limited provisions or features of a Convention, without reopening the Convention as a whole. In 1964, the Governing Body considered the proposal and a simplified revision procedure was recommended.

H : INTERNATIONAL LABOUR CODE

The body of Conventions and Recommendations adopted by the International Labour Conference constitutes the International Labour Code. As on 1 January, 1976, 143 Conventions and 151 Recommendations have been adopted by the Conference. The Code has become for labour lawyers throughout the world what the *Corpus Juris Civilis* or the works of authority of the common lawyers are for other lawyers. The international labour code covers an enormous range of important subjects in the labour and social fields, which have been classified as under :—

No.	Subject.	No. of Conventions	No. of Recommendations
1.	Basic Human Rights	10	6
2.	Labour Administration and Industrial Relations	4	15
3.	Employment Policy and Human Resources Development	6	22
4.	General Conditions of Employment	22	22
5.	Employment of Children, Young Persons and Women	19	13
6.	Industrial Safety, Health and Welfare	12	21
7.	Social Security and Social Policy	22	18
8.	Seafarers	34	23
9.	Indigenous and Tribal Populations Migrants and Plantation Workers	11	11
Total		140	151

Three Conventions, i. e., Convention Nos. 80, 116 and 83 are not included in the above classification, as they are only procedural.

Convention Nos. 80 and 116 relate to Revision of Final Articles of Conventions. Convention No. 80 was adopted "for the purpose of making provision for the future discharge of certain chancery functions entrusted by the earlier Conventions in question to the Secretary-General of the League of Nations and introducing therein certain further amendment of the Constitution of the International Labour Organisation". It came into force on 28 May, 1947.

Convention No. 116 revised the Conventions adopted at the first 32 sessions of the Conference so as to provide for the presentation to the Conference by the Governing Body of the International Labour Office of a report on the working of the Convention at such time as the Governing Body might consider necessary, instead of at specified intervals. It came into force on 5 February, 1962.

Convention No. 83 contains proposals concerning the application of international labour standards in non-metropolitan territories. The Conventions set forth in the schedule are :—Convention Nos. 58, 59, 15, 77, 16, 6, 3, 41, 19, 17, 14. The Convention was amended by the Labour Standards (None-Metropolitan Territories) Convention instrument of Amendment, 1948, which envisaged substitution of provisions of Convention Nos. 6 and 41 set forth in the schedule of Convention No. 83 by provision of Convention Nos. 90 and 89.

The ensuing chapters contain the summaries of the Conventions and Recommendations.

CHAPTER—II

BASIC HUMAN RIGHTS

THE PREAMBLE to the Constitution of the International Labour Organisation declares “recognition of the principle of freedom of association”, and of equal remuneration for work of equal value” to be the means of improving conditions of labour and of establishing peace. The Declaration of Philadelphia reaffirms that “freedom of expression and of association are essential to sustained progress, and that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.....”.

As far as action by the ILO itself is concerned, virtually, all of its activities under its different programmes are aimed at making a reality of the rights and freedoms proclaimed in the Constitution of the ILO, as well as of those mentioned in the Universal Declaration of Human Rights and the International Covenants of Human Rights which concern the ILO. ILO's work in the field of Human Rights aims at safeguarding freedom of association ; abolition of forced labour ; elimination of discrimination in employment ; promotion of equality of opportunity and right to work, minimum income, social security, and adequate conditions of work and life. Former Secretary-General of the United Nations, U. Thant, was referring to these group Conventions when he declared at the Conference in 1969 that the ILO has been in the vanguard of the efforts made to define certain fundamental rights, that it had incorporated these freedoms in Conventions which had been widely ratified and that it had devised new procedures to protect fundamental human rights.

However, there remains a large gap between the principles and standards set by the ILO for the rights and welfare of the individual and the realities of the situation in many countries. Therefore the ILO's work has to become more effective. It has

been rightly pointed out by the Director-General of the ILO recently that "in the present era of change, instability and uncertainty, it remains as imperative as it ever was to safeguard the freedoms, right, welfare and dignity of the individual". Thus, promotion of human rights remain a major priority for the ILO.

So far 10 Conventions and 6 Recommendations have been adopted on this subject. They are classified as under :—

A—Freedom of Association

—6 Conventions and 2 Recommendations.

B—Forced Labour

—2 Conventions and 2 Recommendations.

C—Discrimination

—2 Conventions and 2 Recommendations.

A : FREEDOM OF ASSOCIATION

CONVENTIONS :

A.C.—1 *Right of Association (Agriculture) Convention, 1921 (No. 11)*

Scope : Agriculture.

Object : The Convention is designed to abolish discrimination against persons engaged in agriculture as regards the right of association.

Theme : Ratifying States should ensure to all persons engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

Current Status : Although agricultural workers are covered by Convention No. 87, Convention No. 11 is still of value, since it is aimed at ensuring equal treatment of agricultural workers with industrial workers in relation to rights of association and combination, even on points which are not regulated by Convention No. 87. 91 States have ratified the Convention.

A.C. 2—*Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)*

Scope : Non-Metropolitan territories.

Object : The Convention is designed to protect the right of association and negotiation of workers and employers and to regulate arrangements for the application of labour legislation and the settlement of labour disputes in non-metropolitan territories.

Theme : Measures should be taken to guarantee the rights of association of employers and workers and the right of trade unions to conclude collective agreements with employers, as well as, where practicable, to consult and to associate employers' and workers' organisations in arrangements for the protection of workers and the application of labour legislation, in particular in conciliation procedures, which must be encouraged. Machinery also should be created for settlement of disputes between employers and workers without delay and in the operation of the machinery, the representatives of the employers and workers concerned including representatives of their respective organisations must be associated on equal terms and in equal numbers. Subject to the operation of such machinery, labour disputes must be investigated by public officers, applying simple and expeditious procedures.

Current Status : The provisions of this Convention are covered in greater detail in Conventions Nos. 87 and 98. However it remains of interest to those States which have not ratified either or both Convention No. 87 and 98. 4 States have ratified the Convention.

A.C. 3—*Freedom of Association and Protection of the Right to organise Convention, 1948 (No. 87)*

Scope : General.

Object : The Convention establishes and defines the right of workers and employers to set up and join occupational organisations, federations and confederations and to organise their administration and activities.

Theme : Ratifying States should recognise the right of wor-

kers and employers, without distinction whatsoever, to establish and join, without previous authorisation, organisations of their choosing. These organisations may draw up their own rules, elect their representatives and organise their administration, activities and programmes, and public authorities shall refrain from any interference. Workers' and employers' organisations should not be dissolved or suspended by administrative authorities. These organisations may also constitute or join federations and confederations enjoying the same rights as well as the right to affiliate with international organisations of workers or employers. In exercising these rights, workers and employers and their organisations must respect the law of the land, but this law must not be such or so applied as to impair the above mentioned guarantees.

Exceptions : The extent to which the Convention applies to armed forces and the police is to be determined by national legislation.

Enforcement : Ratifying States should take all necessary measures to ensure that workers and employers may freely exercise the right to organise.

Current Status : 82 States have ratified the Convention. The instrument is of continuing interest.

A.C. 4—*Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*

Scope : General.

Object : The Convention seeks to protect workers and their organisations against anti-union discrimination and interference by employers and to promote voluntary collective bargaining.

Theme : Workers should be protected against acts of anti-union discrimination, especially refusal of employment to or dismissal of a worker on grounds of membership or participation in activities of a union. Workers' and employers' organisation must be protected against interference by each other in their respective affairs, with particular reference to acts designed to promote the establishment of employer-dominated workers' organisations or to place workers' organisations,

financially or otherwise, under the control of employers. The full development and use of voluntary collective bargaining machinery must be promoted by appropriate measures. The Convention does not deal with the position of public servants engaged in the administration of the State.

Exemption : The extent to which the Convention applies to armed forces and the police is to be determined by national legislation.

Enforcement : Appropriate machinery must be established where necessary to ensure respect for the right to organise.

Current Status : It is of current interest and 96 States have ratified it.

A.C. 5—Workers' Representatives Convention, 1971 (No.135)

Scope : General.

Object : It aims at protecting workers' representatives against prejudicial acts and providing them facilities in the undertakings.

Theme : The Convention requires the member States to ensure that workers' representatives are protected against any act prejudicial to them, including dismissal based on their status or activities as workers' representative or on union membership or participation in union activities, as long as they act in conformity with the existing laws or collective agreements. It also lays down that while workers' representatives should be afforded such facilities as would enable them to carry out their functions promptly and efficiently, account should also be taken of the characteristics of the industrial relations systems, the needs, size and capabilities of the individual undertaking and the non-impairment of the efficient operation of the undertaking. The Convention defines the term workers' representatives entitled to protection and facilities that may be determined by law, collective agreements, arbitration awards or court decisions. The instrument also stipulates that appropriate measures be taken to ensure that the position of the trade unions or their representatives in the undertaking is not undermined by the existence of elected representatives.

Prior Consultation : The instrument seeks to make provisions to encourage co-operation between the elected representatives and the trade unions concerned and their representatives, on all relevant matters.

Enforcement : Effect may be given through law or collective agreements, or through any other measures consistent with national practice.

Current Status : 19 States have ratified the Convention and the instrument is of current interest.

**A.C. 6—Rural Workers' Organisations Convention, 1975
(No. 141)**

Scope : Rural Workers.

Object : Aims at promoting organisation of rural workers.

Theme : The Convention requires the national rural development policy to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers and urges the member States to eliminate obstacles, if any, in the pursuit of the same and requires to ensure that the national laws do not inhibit such growth. It requires that all categories of rural workers should have the right to establish and to join organisations of their choosing without previous authorisation. The organisations should be independent, voluntary, and free from interference, coercion or repression. Conditions imposed for granting legal personality to the organisations should not restrict their rights. In exercising the rights, the rural workers and their organisations, must respect the law of the land, but this law must not be such or so applied as to impair the above mentioned guarantees.

Enforcement : Steps should be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and their role in economic and social development.

Current Status : It has not yet received the required number of ratifications for entry into force.

RECOMMENDATIONS :

A.R. 1—*Workers' Representatives Recommendation, 1971*
(No. 143)

This is supplementary to Convention No. 135. The Recommendation details the protective measures that the workers' representatives should be entitled to including precise definition of the reasons justifying the termination of employment, requirement of consultation before dismissal becomes final and a special recourse procedure where workers' representatives consider that their employment has been unjustifiably terminated or that they have been subjected to unfavourable change in conditions of employment or to unfair treatment. It also specifies the types of facilities to be afforded to workers' representatives such as time-off from work without loss of pay or social change and fringe benefits ; access to all work places in the undertaking and to the management ; permission to collect trade union dues and the posting of trade union notices ; and provision of material facilities and information. The instrument requires that trade union representatives who are not employed in the undertaking but whose trade union has members employed therein should also be granted access to the undertaking. Effect to the provision of the Recommendation could be given through law, collective agreement or in any other manner consistent with national practice.

A.R. 2—*Rural Workers' Organisation Recommendation, 1975* (No. 149)

This is supplementary to Convention No. 141 and elaborates the role of organisations of rural workers and the means to encourage their growth. The Recommendation envisages that the organisations should be able to undertake negotiations on behalf of workers ; to represent them in formulation, implementation and evaluation of rural development programmes ; to involve them in programmes of agricultural development, agrarian reforms, public works, rural development information and education ; to promote extension of social security services ; and to contribute to the improve-

ment of the conditions of work and life of rural workers. The Recommendation also envisages extension to rural worker organisations and their members such facilities for vocational education and training as available to other workers' organisations and their members. Member States should ensure that minimum requirements in respect of membership, levels of education, and funds should not impede development of organisations in rural areas with scattered, ill educated and poor population. The instrument calls for provision of labour inspection for effective implementation and envisages supply of guidance and assistance in establishing and organising rural workers' organisations. The Recommendation calls for promotion of public information system on the role of rural workers' organisations in economic and social development including mass education campaigns ; radio, television and cinema ; seminars, meetings and visits to rural areas of journalists ; and preparation of school curricula on the problem of agricultural production and rural workers' life. The instrument requires the competent authorities to arrange appropriate educational and training programmes for leaders and members of rural workers' organisations ; to adapt workers' education and adult education programmes to the needs of rural workers ; and to provide financial and material assistance to the organisation without affecting their independence and interests.

B : FORCED LABOUR

CONVENTIONS :

B.C. 1—*Forced Labour Convention, 1930 (No. 29)*

Scope : General.

Object : The Convention seeks to achieve the early abolition of forced or compulsory labour, being all work or service exacted under the means of any penalty and for which a person has not offered himself voluntarily.

Theme : Ratifying States undertake to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Forced labour for private benefit,

for work underground in mines or as a method of collective punishment must be abolished immediately. As regards public purposes, a transitional period is foreseen during which recourse may exceptionally be had to forced labour of able-bodied men between 18 and 45, subject to specified conditions and guarantees relating to the authorities by which, conditions in which, purposes for which and period (maximum 60 days annually) during which it is imposed ; the preservation of community and family life ; working hours, remuneration, repatriation, health protection and social security (workmen's compensation, protection of dependants of incapacitated or forced workers).

Exceptions : Compulsory military services, normal civic obligations including minor communal services, penal labour exacted following a conviction in a court of law and performed under the supervision and control of a public authority by persons who are not hired or made available for private purpose, work exacted in emergencies, and work demanded by law or custom in communities where food production is organised on a communal basis, are excluded.

Enforcement : Regulations governing the use of forced labour must be enacted and enforced through existing labour inspection machinery or otherwise : provision must be made for forwarding and examining complaints about working conditions from workers (who must receive certificates showing the period of forced labour completed), and the illegal exaction of forced labour must be made a penal offence, with adequate penalties.

Current Status : The instrument is of continuing interest and 107 States have ratified it.

*B.C. 2—Abolition of Forced Labour Convention, 1957
(No. 105)*

Scope : General.

Object : The Convention seeks to suppress the use of any form of forced or compulsory labour for five specified purposes.

Theme : Ratifying States undertake to take effective mea-

asures to secure the immediate and complete abolition of any form of forced or compulsory labour :

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system ;

(b) as a method of mobilising and using labour for purposes of economic development ;

(c) as a means of labour discipline ;

(d) as a punishment for having participated in strikes ;

(e) as a means of racial, social, national or religious discrimination.

Current Status : Though the provisions of this Convention, to a certain extent overlap with the Convention No. 29, yet the scope of the two Conventions is not identical, as was brought out by the general survey of forced labour made in 1968 by the Committee of Experts on the Application of Conventions and Recommendations. The Convention has been ratified by 91 States and is of continuing interest.

RECOMMENDATIONS :

B.R. 1—*Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)*

The Recommendation supplements the Convention No. 29 by a statement of guiding principles for members endeavouring to avoid any indirect compulsion to labour. The members are required to take into consideration the amount of labour available, the capacities for labour, and the possible evil effects of sudden changes in the habits of life and labour may have on social conditions of the population, while deciding questions connected with the economic development of territories in a primitive stage of development. The instrument envisages the desirability of avoiding indirect means of artificially increasing the economic pressure upon populations to seek wage-earning employment. It also seeks the desirability of avoiding any restrictions on the voluntary flow of labour from one form of employment to another or

from one district to another, tending to force the workers to take employment in particular industries or districts, except in the interest of the population or of the workers concerned.

Observation : The two Commissions of Inquiry which examined complaints of forced labour in the period 1961-63, invoked this Recommendation, in their conclusions and Recommendations. The Committee of Experts on the Application of Conventions and Recommendations also referred to the Recommendation in their general survey of forced labour, in 1968. This Recommendation accordingly appears still to be of value.

**B. R. 2—*Forced Labour (Regulation) Recommendation, 1930*
(No. 36)**

This instrument supplements the provisions of Convention No. 29 by laying down certain additional rules to be observed when recourse was had to forced labour, as permitted by Convention No. 29, as an exceptional measure during the transitional period pending its complete abolition.

Observations : In great majority cases, the transition period envisaged has expired. Further Convention No. 105 requires the immediate abolition of all forms of forced labour within its scope. Under these circumstances, this Recommendation may be regarded as *no longer of current interest*.

C : DISCRIMINATION

CONVENTIONS :

C.C. 1—*Discrimination (Employment and Occupation) Convention, 1958* (No. 111).

Scope : All individuals, in respect of their access to vocational training, employment and particular occupations, and with respect to the terms and conditions of employment, in all sectors.

Object : Aims at the elimination in the field of employment and occupation of discrimination based on race, colour, sex, religion, political opinion, national extraction, social origin, and

all other causes specified by a ratifying State. (The reference to national extraction is not intended to cover the treatment of foreigners, a matter dealt with by other Conventions.)

Theme : The Convention requires a ratifying State to declare and pursue a national policy designed to promote equality of opportunity and treatment in the field of employment and occupation with a view to eliminating discrimination of the kinds mentioned above. The Convention leaves it to each State to select methods appropriate to national conditions and practice in applying this policy. It indicates in general terms that the policy should include measures in the following areas : co-operation with employers' and workers' organisations and other appropriate bodies ; legislation ; public educational programmes, employment practices under the direct control of a national authority ; vocational guidance, vocational training and placement services under the direction of a national authority.

Exceptions : The Convention does not authorise any exceptions to its provisions. However, certain situations are specifically defined as non-discriminatory ; distinction or preferences based on the inherent requirements of a particular job ; special measures of protection and assistance ; and certain measures taken to protect the security of the State but not arbitrarily applied.

Prior Consultation : Ratifying States undertake to seek the co-operation of employers' and workers' organisations in promoting the acceptance and observance of the requisite national policy. Furthermore, consultation with representative employers' and workers' organisations is a required prerequisite under the Convention for the determination by a member of the discriminatory nature of certain distinctions and measures.

Current Status : The instrument is of continuing interest ; it has been ratified by 87 States.

C.C. 2—*Equal Remuneration Convention, 1961 (No. 100)*

Scope : All workers receiving a remuneration in the meaning of the Convention (that is to say, the ordinary, basic or minimum wage or salary and any additional emoluments paid by

the employer to the worker and arising out of the workers' employment).

Object : It envisages application of rates of remuneration without discrimination based on sex.

Theme : Every ratifying State is required to promote the application of this principle, and to ensure its direct application to the extent that the methods for determining rates of remuneration permit. The Convention allows the State to select the means appropriate to the methods for determining rates of remuneration in operation in the country. It specifies that this principle may be applied by means of legislation, legally supported wage determination machinery, and collective agreements. The Convention directs that measures should be taken to promote objective appraisal of jobs on the basis of the work to be performed, where it would assist in giving effect to the application of the principle of equal remuneration.

Exceptions : While not specifically authorising any exceptions, the Convention does permit differential rates of remuneration between workers which correspond, *without regard to sex*, to differences as determined by objective appraisal in the work to be performed.

Prior Consultation : Every ratifying member is requested to co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of the Convention.

Current Status : 87 States have ratified the Convention. A meeting of experts on equality of remuneration, in 1974, recommended that the ILO should re-examine this Convention to determine whether its provisions are still adequate.

RECOMMENDATIONS :

C.R. 1—*Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)*

This supplements the Convention No. 111 and has the same scope and object as the Convention. It sets out in greater detail certain types of measures aimed at eliminating discrimination ; notably, the establishment of special agencies to receive

complaints and secure correction, and to foster public understanding and acceptance of the principles of non-discrimination. It also calls for close and continuous co-operation between the authorities responsible for action against discrimination in employment and occupation, and the authorities responsible for action against discrimination in other fields.

C.R. 2—*Equal Remuneration Recommendation, 1951*
(No. 90)

The instrument contains more detailed provisions as regards the methods whereby the principle of equal remuneration can be implemented, depending on whether or not rates of remunerations are adjusted by statutory regulation or public contract. It also describes possible means for promoting action and for the progressive reduction of existing disparities in remuneration including steps for raising the productive efficiency of women workers. It also calls for promotion of public understanding on the steps for raising the productive efficiency of women workers and of the ground on which the principle of equal remuneration for men and women workers for work of equal value, is based.

Possible Subjects for New Standards.

Following are some of the possible subjects for new standards.

A—*Freedom of Association :*

1) Freedom of association and procedures for determining conditions of employment in the public service.

(2) Protection of trade union funds and assets against intervention by the public authorities.

(3) Enforcement procedures for protection against anti-union discrimination.

(4) Freedom of trade unions from intervention against anti-union discrimination.

(5) Freedom of trade unions from intervention by administrative and judicial authorities in trade union elections.

(6) Inviolability of trade union premises.

(7) Right to participate fully in international trade union activities.

(8) Right of access of trade unions to the media of mass communications.

B—Forced Labour :

(1) Freedom to terminate employment (protection of workers against arbitrary restrictions on the right to leave particular employment or work).

(2) Service obligations imposed in connection with studies.

(3) Freedom of labour in the merchant marine.

(4) Prison labour.

C—Discrimination

(1) Equality of opportunity and treatment of women workers.

(2) Equal Remuneration.

(3) Non-discrimination in employment and occupation on grounds of age.

ABSTRACT

BASIC HUMAN RIGHTS
(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

Conventions :

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications received	Remarks
1.	11	Right of Association (Agriculture)	1921	91	
2.	84	Right of Association (Non-Metropolitan Territories)	1947	4	
3.	87	Freedom of Association and Protection of the Right to Organise	1948	82	
4.	98	Right to Organise and Collective Bargaining	1949	96	
5.	135	Workers' Representatives	1971	19	
6.	141	Rural Workers' Organisations	1975	0	
7.	29	Forced Labour	1930	107	
8.	105	Abolition of Forced Labour	1957	91	
9.	111	Discrimination (Employment and Occupation)	1958	87	
10.	100	Equal Remuneration	1951	87	

Not come into force

Recommendations :

Sr. No.	Recommendation number	Title	Year of adoption
1.	143	Workers' Representatives	1971
2.	149	Rural Workers' Organisations	1975
3.	35	Forced Labour (Indirect Compulsion)	1930
4.	36	Forced Labour (Regulation)	1930
5.	111	Discrimination (Employment and Occupation)	1958
6.	90	Equal Remuneration	1951

CHAPTER—III

LABOUR ADMINISTRATION AND INDUSTRIAL RELATIONS

I

LABOUR ADMINISTRATION

SUCCESSFUL IMPLEMENTATION of ILO standards ultimately depends upon the efficiency and thoroughness of the labour administrative system in the constituent countries. The Constitution of the International Labour Organisation includes among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers, the principle that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers. No doubt the institution of an inspection system is one of the most effective means of ensuring the enforcement of Conventions and other measures for the regulation of labour conditions and protection of workers. However, this has to be supplemented with other key services like employment and manpower services, industrial relations and conciliation services. Besides, labour administration has to be given an appropriate status in government machinery necessary for it to play an effective role in the formulation of developmental policies. The Director-General has pointed out recently in 1974 that the total absence in a few countries, and the serious weakness in very many others, of systems of labour administration constitute a major handicap for the attainment of ILO objectives throughout the world. The ILO has been providing assistance in the establishment, organisation and development of effective systems of labour administration both through direct assistance to individual governments and through regional courses for the training of high and middle-level staff of labour ministries. What is perhaps, more needed is a comprehensive instrument concerning the role, functions and

organisation of labour administration setting out the guidelines for national and international action in the field of labour administration. The ILO is already seized of the importance of the subject and the matter is under active consideration by the Governing Body.

Hitherto 4 Conventions and 9 Recommendations have been adopted on this subject. The are :—

- A. Labour Inspection—3 Conventions and
8 Recommendations.
- B. Statistics—1 Convention and
1 Recommendation.

Possible Subjects for New Standards.

A. LABOUR INSPECTION

CONVENTIONS :

A. C. 1—*Labour Inspection Convention, 1947 (No. 81)*

Scope : Industry (Commerce may be covered by decision of the ratifying State).

Object : It aims at regulating the organisation of work of labour inspection services.

Theme : The Convention stipulates that labour inspectors should be adequately trained and be independent public officials. Their main function shall be to secure enforcement of legal provisions relating to conditions of work and protect workers while engaged in their work from abuses and to that end tender advice to workers and employers. Necessary technical experts and specialists should be associated in the work of inspections. Labour inspectors should be provided with office and transport facilities and their incidental expenses should be reimbursed. They should have the freedom to enter any work place without notice ; carry out examination, test or enquiry ; interrogate persons ; cause production of documents and posting of notices ; and take samples for analysis. They shall be empowered to take steps with a view to remedying defects constituting a threat to health and safety of workers. They shall be notified of industrial accidents and occupational

diseases. The labour inspectors shall be obliged not to divulge trade secrets ; to keep sources of information as confidential ; and to desist from having direct or indirect interest in the undertakings. The Labour inspectors are required to submit periodic reports to the Central Authority, who at their end, will publish annual general reports on the work of the inspectorate.

Exceptions : Ratifying States can exclude mining and transport undertakings from the application of this Convention.

Prior Consultation : The Convention calls for promotion of collaboration between the labour inspectorates and the organisation of employers and workers. Effective cooperation between inspection services and other institutions engaged in similar activities is also envisaged.

Enforcement : There should be adequate penalties for violations of the legal provisions and obstructions of labour inspectors.

Current Status : 84 ratifications have been registered for this Convention. The Convention is of continuing interest.

A.C. 2—*Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)*

Scope : Non-Metropolitan Territories for which a ratifying State is responsible and accept the obligations of the Convention.

Object : Regulation of labour inspection services.

Theme : Suitable trained inspectors, appointed by the competent authority, are required to inspect conditions of employment at frequent intervals. They will have the freedom to enter any work place for inspections without notice ; carry out any examination or test or enquiry, interrogate persons ; demand production of documents and posting of notices ; and remove samples of materials for analysis. They shall not have any interest in the undertakings nor divulge commercial secrets and shall keep confidential sources of complaint. Workers and their representatives should be afforded facilities to communicate freely with the inspectors.

Current Status : Although the provisions of this Convention are covered in greater detail in Convention Nos. 81 and 129, it

remains binding on a number of territories in respect of which the latter instruments have not yet been accepted. 4 States have ratified this instrument.

*A.C. 3—Labour Inspection (Agriculture) Convention, 1969
(No. 129)*

Scope : Agricultural undertakings.

Object : Aims at providing labour inspection in agricultural undertakings.

Theme : The Convention stipulates that the functions of the labour inspectors should include securing of the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work ; to supply technical advice and information to employers and workers ; and to point out defects of abuses not specifically covered by the legislation to the competent authorities. Labour inspectors should be adequately trained and comprise of independent public officials and must be sufficient in number to discharge their functions effectively. In performance of their duties, duly qualified, technical experts shall be associated in an appropriate manner. The competent authorities can entrust certain inspecting functions at the regional or local level to appropriate Government services or public institutions. Representatives of occupational organisations can also be included in the inspecting staff. The inspectors should be provided office and transport facilities and arrangement must be made to reimburse travel or incidental expenses. They will have the freedom to enter work places without notice ; carry out examination and interview persons : cause production of documents or remove samples or products for purposes of analysis. They should be empowered to take steps with a view to remedying defects observed ; issue orders requiring alteration ; and in the event of imminent danger to health and safety halt the work. However, they should not enter the private home of the operators of the undertaking without consent. Occupational diseases and accidents should be notified to the inspectorate. They shall be associated with inquiries into serious occupational accidents or diseases and the preventive control of new plant, new materials or new methods. The inspectors shall be

prohibited from having any interest in the undertakings and shall not reveal commercial secrets and would keep the source of information confidential. They shall submit periodic reports to the Central authority, who at their end are expected to publish annual reports.

Prior Consultation : The competent authorities in interpreting the scope of the Convention, i. e., demarcating agriculture from industry and commerce, should consult the most representative organisations of employers and workers. Arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers or their organisations should be made.

Enforcement : There should be penal sanctions against violation of legal provisions or obstruction of the work of labour inspectors.

Current Status : 17 States have ratified this Convention. The instrument is of continuing interest.

It is felt that consolidation of the 3 Conventions, i. e. No. 81, 85 and No. 129 alongwith their supplementary Recommendations though technically feasible and desirable, may not prove practicable.

RECOMMENDATIONS :

A.R. 1—*Labour Inspection (Health Services) Recommendation, 1919 (No. 5)* ;

A.R. 2—*Labour Inspection Recommendation, 1923 (No. 20)* ;

A.R. 3—*Inspection (Building) Recommendation, 1937 (No. 54)* ;

A.R. 4—*Co-operation in Accident Prevention (Building) Recommendation, 1937 (No. 55)* ;

AND

A.R. 5—*Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59)*.

Recommendation No. 5 requires the member States to establish government machinery to safeguard the health of workers, in addition to factory inspections.

Recommendation No. 20 details the sphere of inspection, functions and powers of labour inspectors, and recommends adoption of safety methods to prevent accidents and diseases. Further, the instrument details the organisational pattern of the inspectorate ; the qualifications and training of inspectors ; standards and methods of inspections ; and submission of periodic reports by the inspectors and publication of the annual report of the inspectorate.

Recommendation No. 54 requires the inspectorate to be a public body ; prescribes pre-employment technical training for inspectors ; recommends for initiating preventive steps to avoid accidents and for reporting of accidents.

Recommendation No. 55 provides for the establishment of safety organisations within the industry comprising of employers' and workers' representatives, with a view to reducing the number of accidents. It envisages collaboration of inspectors, the employers and the workers for making safety propaganda effective.

Recommendation No. 59 requires the member States to establish labour inspection services in any territories where such services do not already exist.

Observation : These Recommendations have been superseded by the more developed standards adopted in 1947 (Convention No. 81 and Recommendation No. 81) and in 1969 (Convention No. 129 and Recommendation No. 133), and are therefore *no longer of interest*.

A.R. 6—*Labour Inspection Recommendation, 1947 (No. 81)*

AND

A.R. 7—*Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).*

These Recommendations are supplementary to Convention No. 81. Recommendation No. 81 lays down further provisions concerning preventive control of new industrial or commercial establishments, e. g., giving advance notice to the labour inspectorate ; submitting plans for new establishment for an opinion regarding safety etc. Arrangements for collaboration between employers and workers with a view to impro-

ving health and safety conditions of workers should be made. Steps should be taken to ensure the enlightening of employers and workers on questions of labour legislation, industrial hygiene and safety through appropriate forums. The labour inspector should not act as a conciliator or arbitrator. The Recommendation also spells out the various items that should be included, to the extent possible, in the published annual reports on the work of the inspectorates.

Recommendation No. 82 requires the members States to apply appropriate system of labour inspection to transport undertakings, defined by the competent authority. (Labour Inspection Convention, 1947 permits exemption of mining and transport undertakings)

A.R. 8—*Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)*

This Recommendation is supplementary to the Convention No. 129. The Recommendation envisages enlargement of the functions of the labour inspectorate so as to include collaboration with competent technical services. The labour inspectorate in agriculture should be associated in the enforcement of legal provisions of matters such as training of workers, social services in agriculture, co-operatives, and compulsory school attendance. Labour inspectors should be familiar with the working conditions in agriculture and senior positions in the labour inspectorates must go to persons with appropriate professional qualifications. The instrument also provides for prior consultation with labour inspectorate while putting new plans of plants in which dangerous machines or unhealthy or dangerous work processes are to be used. The Recommendation also provides for educational campaigns on the applicability of the legal provisions through appropriate means and envisages publication of annual report by the Central inspection authority including statistics of labour disputes, identification of problems in the application of legal provisions and suggestions for improving the conditions of life and work in agriculture.

B. STATISTICS

CONVENTIONS :

B.C. 1—Convention Concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

Scope : Mining and manufacturing industries (including building and construction) and agriculture.

Object : The Convention requires the compilation and publication of statistics of wages and hours of work covering the principal industries.

Theme : The Convention allows partial ratification. Member States can exclude any one of parts II, III and IV ; or parts II and IV or parts III and IV together, from their acceptance. Part I envisages compilation of statistics of wages and hours of work, their publication and communication of the same to the ILO. It also permits making enquiries to obtain information, without resorting to compulsion. Part II and part III lays down the requirements concerning, respectively, statistics of average earnings and of hours worked, and statistics of time rates of wages and of normal hours of work, in the principal mining and manufacturing industries. They prescribe the basis, scope and frequency of the statistics, which must be compiled at least once in a year, supplemented by specific indications once in three years. They must also include particulars of and the money value of the allowances given in kind, e. g., free or cheap housing, food or fuel. Index numbers showing the general movement of wages must be compiled as frequently as possible for average earnings and annually for wages rates. While publishing the index numbers indication shall be given as to the methods of construction of the index numbers. Part IV requires the compilation of statistics of wages in respect of wage earners engaged in agriculture, at least every two years, indicating the nature of the allowance in kind, if any, and their money value. They should be supplemented by indications as to the categories of agricultural wage earners, the nature and source of the information, methods employed in the compilation and,

so far as practicable, the normal hours of work of the wage earners concerned.

Exception : Areas for which the statistics could not be compiled because of difficulties in setting up necessary administrative organisations, or the sparseness of the population or the stage of economic development of the area, can be excluded in whole or in part from the application of the Convention.

Current Status : The revision of this Convention has been recommended by the 12th International Conference of Labour Statisticians (1973) to bring its provision into harmony with modern practices and needs in the field of statistics of wages and hours of work. 32 States have ratified the Convention.

RECOMMENDATIONS :

B.R. 1—*Migration Statistics Recommendation, 1922 (No. 19)*

The Recommendation requires member States to furnish information of the total figures of emigrants, specifying particulars of sex, age, occupation, nationality, country of last residence and country of proposed residence.

Observation : Responsibility for International action in the field of migration statistics was transferred to the United Nations in 1959, which since then have adopted a number of Recommendations in this field. Therefore this Recommendation can be considered as obsolete.

II

INDUSTRIAL RELATIONS

THE PHILADELPHIA DECLARATION recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures. A sound industrial relations system is a pre-requisite for industrial democracy and economic development. However, each country has to

develop its own system of industrial relations in the light of its own history and traditions, and in very different economic, social and political contexts, and it will be futile to attempt to standardise the system. For example even though the method of collective bargaining has been accepted as an effective means of settling differences, yet, its functioning, the role of the State in regards to its outcome 'are yet matters of controversy and debate. Therefore the ILO action in the field of industrial relations has to be limited and confined to promotion of cooperative research and exchange of information on the subject; enabling States to build up arbitration and conciliation machinery; establishing model personnel management practices and grievance procedures; promoting effective system of workers participation; and furthering and strengthening of tripartite consultation.

In all six Recommendations have been adopted on this subject. No Convention has been formulated. Following are the gist of the Recommendations.

RECOMMENDATIONS :

R. 1—*Collective Agreements Recommendation, 1951 (No. 91)*

The Recommendation provides for the establishment in each country of appropriate machinery to negotiate or review collective agreements between employers or their organisations and workers' representatives or organisations, or assist the parties concerned in these operations. It stipulates further that collective agreements should over ride contracts of employment, save where the latter are more favourable to the workers; that they should apply to all workers in the classes and undertakings covered, unless otherwise agreed; and that where such agreements already cover a representative number of employers and workers, to all employers and workers coming within the industrial and territorial scope of the agreement. The instrument also envisages establishment of appropriate procedure for settlement of the disputes arising out of the interpretation of a collective agreement and arrangements made for the supervision of the application of collective agreements.

R. 2—*Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)*

The Recommendation calls for the provisions of appropriate voluntary conciliation machinery to help in preventing and setting industrial disputes. Where the machinery is bipartite, employers and workers should be equally represented on it; procedures should be free of charge and expeditious and capable of being initiated by the conciliation authority or by the parties, who should abstain from strikes and lockouts while conciliation or arbitration is in progress, and accept the award. No provision on this Recommendation should be interpreted as limiting in any way whatsoever the right to strike.

R. 3—*Co-operation at the Level of the Undertaking Recommendation, 1962 (No. 94)*

The Recommendation requires member States to take appropriate steps to promote consultation and cooperation between employers and workers at the level of the undertakings on matters of mutual concern not within the scope of the collective bargaining machinery, or not dealt with by other machinery. Such consultation and cooperation should be facilitated by the encouragement of voluntary agreements or establishment of consultative bodies, or combinations of both these methods.

R. 4—*Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)*

The Recommendation provides for voluntary, legislative or other measures to encourage effective consultation and cooperation at the industrial and national level between public authorities and employers and workers organisations, and between the latter. Such consultation and cooperation should be facilitated by voluntary action of employers and workers organisations or promotional action of public authorities or by law or by combination of any of these methods. Such measures should be applied without discrimination of any kind and should not affect the freedom of association or the right to collective bargaining. They should have the general objective

of promoting mutual understanding between workers and employers organisations and public authorities with a view to developing the economy, improving the condition of work and raising standard of living. They should aim in particular at joint consideration and agreement by these organisations on matters of mutual concern, and their consultation by public authorities with respect to the framing and application of legislation, the establishment of national bodies responsible for different aspects of working conditions, (vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare) and economic and social development planning.

R. 5—Communications within the Undertaking Recommendation, 1967 (No. 129)

The Recommendation calls on managements to promote the rapid dissemination within undertakings of information on the life of the undertaking and on social conditions of workers as a means of fostering a climate of mutual understanding and confidence. In particular, information should be provided and consultations held between the parties before decisions are taken on matters of major interest; employers' and workers' organisations should jointly examine communication policies, which should not affect freedom of association or cause prejudice to workers' representatives or organisations. While formulating the communication policy due account should be taken of the nature and the size of the undertaking, composition and interest of the work force, and to this end communication system should be designed ensuring genuine and regular two-way communication. Appropriate medium of communication should be selected, which may include meetings, and publishing of bulletin, manual, house journals, and magazines. The information to be supplied by the management to the workers or their representatives should, as far as possible, include all matters of interest to the workers or relating to the operation and future prospects of the undertakings and to the present and future situation of the workers insofar as disclosure of the information will not cause damage to the parties. In particular the information should include general conditions

of employment ; job description and training ; working conditions, occupational safety and health regulation ; grievance procedure ; personnel welfare services ; social security or social insurance scheme ; methods of consultation between management and workers ; and general situation of the undertakings and prospects of its future development.

R. 6—*Examination of Grievances Recommendation, 1967 (No. 130)*

The Recommendation is intended to establish the right of one or several workers—without prejudice to their right to take legal proceedings—to submit grievance concerning relations with employers, respecting implementation of conditions of employment, for examination by an appropriate procedure. It provides for equal representation of workers' organisations or representatives and employers or their organisations in grievance procedures, which should preferably be settled within the undertaking, between the worker and his supervisor or, if need be, a superior officer, and should be simple, realistic and rapid.

The workers should have the right to participate directly in the grievance procedure and to be assisted or represented during the examination of their grievance. The employers also should have the right to be assisted or represented. The worker concerned or his representative should be given sufficient time to participate in the procedure without any loss in remuneration and he should be informed of the action taken under the procedure. The instrument envisages the redressing of an unsettled grievance through collective machinery, conciliation, arbitration, court decision or otherwise. The Recommendation, does not apply to collective claims aimed at modifying terms and conditions of employment which should properly be dealt with by collective bargaining or otherwise, as appropriate under national conditions, and requires greatest attention to be given to the establishment and proper functioning of a sound personnel policy, with a view to minimising the number of grievances.

POSSIBLE SUBJECTS FOR NEW STANDARDS

The following are some of the subjects on which the ILO is contemplating appropriate action :

Labour Administration :

- 1) Labour administration—role, functions and organisation.
- 2) Establishment of national tripartite machinery to improve the implementation of ILO standards.
- 3) Administration of justice in labour problems.

Industrial Relations :

- 1) Contract Labour.
- 2) Labour discipline.
- 3) Industrial relations in multinational enterprises.
- 4) Presentation and settlement of disputes.
- 5) Methods and practice of collective bargaining.
- 6) Methods of establishing work rules and their contents.
- 7) Procedures for determining conditions of employment in the public service.

ABSTRACT

LABOUR ADMINISTRATION AND INDUSTRIAL RELATIONS
(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications received	Remarks
1.	81	Labour Inspection	1947	48	
2.	85	Labour Inspectorates (Non-Metropolitan Territories)	1947	4	
3.	129	Labour Inspection (Agriculture)	1969	17	
4.	63	Convention concerning Statistics of Wages and Hours of Work	1938	32	

RECOMMENDATIONS :

Sr. No.	Recommendation number	Title	Year of adoption
1.	5	Labour Inspection (Health Services)	1919
2.	20	Labour Inspection	1923
3.	54	Inspection (Building)	1937
4.	55	Co-operation in Accident Prevention (Building)	1937
5.	59	Labour Inspectorates (Indigenous Workers)	1939
6.	81	Labour Inspection	1947
7.	82	Labour Inspection (Mining and Transport)	1947
8.	133	Labour Inspection (Agriculture)	1969
9.	19	Migration Statistics	1922
10.	91	Collective Agreements	1951
11.	92	Voluntary Conciliation and Arbitration	1951
12.	94	Co-operation at the Level of the Undertaking	1952
13.	113	Consultation (Industrial and National Levels)	1960
14.	129	Communications within the Undertaking	1967
15.	130	Examination of Grievances	1967

CHAPTER—IV

EMPLOYMENT POLICY AND HUMAN RESOURCES DEVELOPMENT

ONE OF THE major problems that the ILO has attempted to tackle relentlessly is the complex situation of manpower and employment, the successful tackling of which was considered the most important step for ensuring social justice and universal peace. In fact, the Preamble of the ILO's Constitution lists "prevention of unemployment" among the conditions whose improvement is urgently required. In 1944, the Declaration of Philadelphia, now also a part of the ILO Constitution, recognised, *inter alia* :

"the solemn obligation of the International Labour Organisation to further among the nations of the World programmes which will achieve :

- a) full employment and the raising of standards of living ;
- b) the employment of workers in the occupation in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well being ;
- c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement."

Even though much work has been carried out in this area, the problem of unemployment still remains gruesome. It is estimated that during 1970-80, there will be about 300 million people seeking work. It is obvious that one of the major problems to be tackled in the framework of the second development decade is 'unemployment'.

Equally important is the need to manage efficiently the human resources. In fact the efforts to improve the quality of the labour force through education and training should form part of the activities for the promotion of employment.

More rational use of scarce resources and facilities available for education and training has to be made in order to ensure that they effectively contribute to the provision of skill, knowledge and aptitudes necessary for the expansion of employment. ILO has to contribute to the effort that is being undertaken through the world, in developing and advanced countries, to devise new approaches, policies and methods of vocational training to ensure a more rational use of training resources. Ever growing unemployment and need for development of human resources probably constitute a major challenge that has to be tackled by the ILO in the coming years. The Director General had recently declared it necessary to keep the progress in this field under constant review, modifying the approaches and rectifying the methods in the light of experience.

In all 6 Conventions and 22 Recommendations have been adopted on this subject. They are classified as under :

- A. Employment Policy —1 Convention and
8 Recommendations.
- B. Employment Services —4 Conventions and
4 Recommendations.
- C. Vocational Guidance and Training. ---1 Convention and
10 Recommendations.

Possible Subjects For New Standards.

A—EMPLOYMENT POLICY

CONVENTIONS :

A.C. 1—*Employment Policy Convention, 1964 (No. 122)*

Scope : General.

Object : The Convention calls for measures to overcome unemployment and under employment and meet manpower requirements, with a view to stimulating economic growth and development and raising levels of living.

Theme : The member States are required to declare and pursue, as a major goal, an active policy designed to promote, full productive and freely chosen employment. Such policy should ensure productive work to those who seek employment,

and permit choice of employment. A worker should also have full opportunity to qualify for obtaining a suitable job, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. The policy must take due account of the stage and level of economic development. The measures to be adopted for attaining the objectives of social policy, must be kept under review.

Prior Consultation : Representatives of the persons affected by the measure to be taken, in particular the representatives of employers and workers must be consulted concerning employment policy and their full cooperation and support secured for formulating such policies.

Current Status : The Convention has been ratified by 52 States. It is very comprehensive and no further standards are contemplated at present.

RECOMMENDATIONS :

A.R. 1—*Unemployment (Agriculture) Recommendation, 1921 (No. 11)*

A.R. 2—*Public Works (International Cooperation) Recommendation, 1937 (No. 50)*

A.R. 3—*Public Works (National Planning) Recommendation, 1937 (No. 51)*

A.R. 4—*Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)*

AND

A.R. 5—*Public Works (National Planning) Recommendation, 1944 (No. 73)*

Recommendation No. 11 proposes measures to be adopted by member States for the prevention of or providing against unemployment amongst agricultural workers suitable to the economic and agricultural conditions of the country and suggest adoption of modern technical methods, adoption of improved system of cultivation and intensive use of land, providing facilities for settlement on the land and taking steps to provide transport facilities so as to enable unemployed agricultural workers to avail work of a temporary nature and to provide supplementary forms of employment for persons affected by

seasonal unemployment and to take steps for creation of agricultural workers' cooperative societies.

Recommendation No. 50, while prescribing for the member States to furnish statistical and other information concerning public works undertaken or planned on its territory annually to the International Labour Office in accordance with a uniform plan, urges the members to cooperate in the work of any International Committee that may be set up by the Governing Body of the International Labour Office for making study of such information supplied.

Recommendation No. 51 requires that all works undertaken or financed by public authorities should be timed in such a way as to reduce industrial fluctuations as far as possible. Special consideration must be given to the financing by loan in periods of depression of public works likely to stimulate economic recovery ; to the application of a monetary policy which will make possible the expansion of credit required for the setting up of such works ; and to ensure the lowest possible rates of interest on loans. Possibilities of including works which will give employment to special classes of workers such as young workers, women and non-manual workers must be explored.

Recommendation No. 71 envisages organisation of employment in the transition from war to peace, involving a new and broader definition of the possibilities, functions and methods of operation of employment service. It enumerates general principles to be followed and elaborates the methods of application which include advance collection of information, demobilization of the armed forces, industrial demobilization and conversion, applications for work and for workers, vocational guidance, training and re-training programmes, geographical mobility, employment of special classes of workers (young workers, women and disabled workers) and regularisation of employment in particular industries.

Recommendation No. 73 requires member States to prepare a long term development programme which could be geared according to the employment situation prevailing in the country. Special attention is to be given to regulate the supply and demand of labour by timing and execution of the works and

the ordering of supplies, keeping in view the employment situation in the country as well as in different areas.

Observation : As Convention No. 122 and Recommendation No. 122 lay down comprehensive standards in the field of employment policy, the provisions contained in the above Recommendations can be considered to have been superseded. Therefore, Recommendations No. 11, 50, 51, 71 and 73 can be regarded to be *no longer of current interest*.

A.R. 6—Employment Policy Recommendation, 1964 (No. 122)

This Recommendation is supplementary to Employment Policy Convention, 1964. It elaborates the general principles and measures of employment policy. It requires the employment policy to be based on analytical studies for which adequate resources must be devoted. The need to develop human capacities is fully recognised. The instrument contemplates general measures (long term and short term) and specific measures of economic policy to be adopted for combating employment problems arising out of fluctuations in economic activities (seasonal or otherwise) and structural changes. To overcome employment problems associated with economic under-development, the instrument lays down the investment and income policy to be adopted, and requires steps to be taken to promote industrial and rural employment, and visualises study of demographic factors affecting population growth with a view to the adoption of a social and economic policy that would balance the employment opportunities and the growth of labour force. The Recommendation spells out the details of the measures to be taken by the employers and workers in public and private sectors, to promote the achievement and maintenance of full, productive and freely chosen employment. It also calls for an international action to promote employment objectives and requires the members to avoid measures that would adversely affect the employment opportunities in other countries, while framing their internal economic policy. Some suggestions concerning methods of practical application are also annexed to the Recommendation.

A.R. 7—Unemployment (Young Persons) Recommendation, 1935 (No. 45)

Unemployment (Young Persons) Recommendation has been superseded by Special Youth Schemes Recommendation, 1970.

A.R. 8—*Special Youth Schemes Recommendation, 1970 (No. 136)*

The Recommendation sets out objectives, methods and safeguards for special youth employment and training schemes designed to enable young persons to take part in activities directed to the economic and social development of their country and to acquire education, skill and experience facilitating their subsequent economic activity on a lasting basis. The Recommendation draws general principles regarding the special schemes, i. e., providing minimum level of education to the participants; safeguarding of human dignity; the development of personality and sense of social responsibility; eschewing discrimination of any kind; ensuring voluntary participation. The instrument elaborates the purpose and contents of the schemes which meet needs for youth employment and training not yet met by national education and training programmes or by normal employment opportunities. It prescribes criteria for selection of participants; conditions of service (adequate provision for rest; leisure activities; accommodation, food and clothing; annual holiday after a year's service and social security provisions); selection and training; assisting participants in making decisions regarding their occupational future, including promotion of access to credit, marketing and saving facilities and supply of tool-kit. Measures for enabling young persons to use their educational or technical qualifications in the service of the community are also outlined. The Recommendation envisages international cooperation and appropriate administrative arrangements which include enlisting of cooperation of workers, employers and youth organisations, continuous liaison with authorities and voluntary agencies, financial resources, inspection and audit.

B. EMPLOYMENT SERVICES

CONVENTIONS :

B. C. 1—*Unemployment Convention, 1919 (No. 2)*
Scope : General.

Object : It aims at providing measures for preventing, or providing against, unemployment.

Theme : It provides for the establishment of a system of free public employment agencies under the control of a central authority, and for regular communication to the ILO of information concerning unemployment and measures to combat it. States which have unemployment insurance systems are required to make arrangements with one another for extending unemployment insurance to workers belonging to one ratifying State and working in the territory of another.

Prior Consultation : An advisory committee must be set up to advise on the running of employment agencies and must include representatives of employers and workers.

Current Status : Though Conventions No. 88 and No. 118 cover substantial portion of the provisions of this Convention yet the Convention is regarded as having current interest in view of the fact that it is binding on 47 States, many of whom have not ratified the Conventions No. 88 and No. 118.

B. C. 2—*Employment Service Convention, 1948 (No. 8)*

Scope : General.

Object : The Convention requires the maintenance of a free public employment service.

Theme : The Convention provides for maintaining a free public employment service, comprising a network of local and regional offices, sufficient in number to serve the entire country, under the direction of a national authority. The staff of the employment service should compose of independent public officials suitably qualified and adequately trained for the performance of the duties. The employment service shall be so organised as to ensure effective recruitment and placement of workers, help them to obtain vocational guidance and training and facilitate their occupational and geographical mobility. Data on employment market must be collected and made available. The employment service must also cooperate in administering unemployment relief schemes, in social and economic planning and with private non-profit-making employment services. Measures must be taken to facilitate the specialisation by occupation (industry, agriculture or any other

branch of activities) within employment offices. Arrangements to meet the needs of particular groups, e.g., young or disabled persons, must be made.

Prior Consultation: Consultation and cooperation with the representatives of employers and workers in the organisation and operation of the employment service is to be arranged through national advisory committees, and regional and local committees where necessary. (The representatives of employers and workers on advisory committees shall be appointed in equal number). The employers and workers are to be encouraged to make full use of employment service facilities.

Current Status: The desirability of revising this Convention was considered by the Governing Body Committee on Standing Orders and the Application of Conventions and Recommendations, in 1971. The Committee did not consider revision necessary. 58 States have ratified the Convention.

B.C. 3—*Fee-Charging Employment Agencies Convention, 1933 (No. 34)*

This convention was revised by Convention No. 96 and is no longer open to ratification. It remains in force for 10 States.

B.C. 4—*Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)*

Scope: General.

Object: This convention aims at securing the abolition or regulation of fee-charging employment agencies, i. e., both organisations and individuals who act as intermediaries between employers and workers.

Theme: The Convention seeks progressive abolition of fee-charging employment agencies which are operated with the view to profit, once a public employment service has been established, or the proper regulation of such agencies where the abolition is not feasible, through official supervision and control. It recognises that in some countries and in some sectors fee-charging agencies can usefully supplement public employment services. Having decided to regulate the fee-charging employment agencies in the first instance, a State may later opt for their abolition, subject to the condi-

tion that till the abolition such agencies would be under official supervision and control. The Convention makes separate provision for the supervision and regulation of non-profit-making agencies. It also envisages that the competent authority shall take necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Exceptions : The Convention permits the continued existence of profit making agencies in respect of categories of persons whose needs cannot be adequately met by the public employment service. In all such cases, yearly renewable licences are required, besides supervision as regards such questions as fees and the recruiting and placing of workers abroad.

Prior Consultation : The employers' and workers' organisations must be consulted regarding supervision of fee-charging-agencies pending their abolition and regarding the exceptions which may be permitted.

Enforcement : Penalties must be laid down for violations of the provisions of the Convention and should include the withdrawal of the licence or authorisation to operate.

Current Status : 33 States have ratified this Convention which is of current interest.

RECOMMENDATIONS :

B. R. 1—*Unemployment Recommendation, 1919 (No. 1) ;*

AND

B.R. 2—*Employment Service Recommendation, 1944 (No. 72)*

Recommendation No. 1 deals with abolition of fee-charging employment agencies, recruiting of workers for employment in another country, unemployment insurance, and coordination of public works to combat unemployment.

Observation : It has been superseded by subsequent, more detailed standards covering these various questions. As such it is *not of current interest*.

Recommendation No. 72 which deals with Employment Service has been superseded by standards of Employment Services adopted in 1948 and as such is *not of current interest*.

B.R. 3—*Employment Service Recommendation, 1948 (No. 83)*

This is supplementary to Employment Service Convention, 1948. This instrument contains further provisions relating to the general organisation and functions of employment services. It provides for the issue of national administrative instructions, formulation of minimum national standards concerning the staffing of employment offices, adequate financing of the service by the Government, submission of periodic reports, national inspections of regional and local offices and periodical conference along with central, regional and local officers, including inspection staff. The employment service should collect employment market information including material relating to labour requirements, (number and type of workers needed appropriately classified) and labour supply, besides making continuous or special studies on questions pertaining to employment and unemployment. The instrument also envisages drawing of national manpower budget, observation of strict neutrality by the employment service in case of employment available in any establishment where there is a labour dispute affecting such employment, and taking measures to facilitate the mobility of labour. The instrument suggests measures to facilitate international cooperation among employment services with the help of the ILO, and a systematic exchange of information and experience on employment service policy and methods.

B.R. 4—*Employment Agencies Recommendation, 1933*
(No. 42)

The Recommendation requires the member States to take measures to adapt the free public employment offices to the needs of the occupations in which recourse is often had to be taken of the services of fee-charging employment agencies. Specialised public employment office for particular occupations should be provided for. The representatives of workers' and employers' organisations should be invited to collaborate in the working of public employment offices. Persons and undertakings which derive any profit from certain activities such as keeping of public houses, hotels, secondhand clothes shops, pawnshops or money-changing should be forbidden to engage in placing.

C. VOCATIONAL GUIDANCE AND TRAINING

CONVENTIONS :

C. C. 1—*Human Resources Development Convention, 1975*
(No. 142)

Scope : General.

Object : It aims at providing vocational guidance and vocational training programmes.

Theme : The Convention requires ratifying member States to adopt and develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training taking due account of employment needs, opportunities and problems (both regional and national), the stage and level of economic, social and cultural development and the mutual relationship, between human resources and other economic, social and cultural objectives. With a view to implementing these policies and programmes the member States are required to establish and develop appropriate system of vocational education, vocational guidance and vocational training. Vocational guidance system including continuing employment information (the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work and other aspects of the working life), should be gradually extended to all children, young persons and adults. Vocational training system should be adapted to meet varying needs for vocational training, throughout life of both young persons and adults, in all sectors of the economy and at all levels of skill and responsibility.

Prior Consultation : Policies and programmes of vocational guidance and vocational training should be formulated and implemented in cooperation with the employer's and workers' organisations.

Current Status : It updates Recommendation Nos. 87, 101 and 117 and is the most recent standard on the subject. The Convention has not come into force.

RECOMMENDATIONS :

Out of 10 Recommendations 7 Recommendations have been superseded as indicated below :—

C.R. 1—*Vocational Education (Agriculture) Recommendation, 1921 (No. 15)* has been superseded by Recommendation No. 101 adopted in 1956.

C.R. 2—*Vocational Training (Agriculture) Recommendation, 1956 (No. 101)* has been superseded by Recommendation No. 150 adopted in 1975.

C.R. 3—*Vocational Guidance Recommendation, 1949 (No. 87)* has been superseded by Recommendation No. 150 adopted in 1975.

C. R. 4—*Vocational Training Recommendation, 1939 (No. 57)* has been superseded by Recommendation No. 117 adopted in 1962.

C. R. 5—*Apprenticeship Recommendation, 1939 (No. 60)* has been superseded by Recommendation No. 117 adopted in 1962.

C. R. 6—*Vocational Training (Adults) Recommendation, 1950 (No. 88)* has been superseded by Recommendation No. 117 adopted in 1962.

C. R. 7—*Vocational Training Recommendation, 1962 (No. 117)* itself has been superseded by Recommendation No. 150 adopted in 1975.

Thus only 3 Recommendations are of current interest which are discussed below :

C. R. 8—*Vocational Education (Building) Recommendation, 1937 (No. 56)*

The Recommendation considers vocational education as of special importance in the case of building industry in view of the risk of accident and requires the technical and vocational school curricula relating to building industry to include, theoretical and practical instruction on the principle of erecting and maintaining scaffolds including the materials to be used ; the construction and the maintenance of the hoisting appliances used in the building industry ; organisation and the supervision of safety measures at building sites ; and the safety regulations for building work.

C. R. 9—*Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)*

The Recommendation explains the terms “vocational rehabilitation” and “disabled persons” and requires that all disabled persons must be provided with vocational rehabilitation services, irrespective of the nature and the origin of their disability in order to restore physically and mentally impaired persons to useful employment. The instrument details the principles and methods of vocational guidance, vocational training and placement of disabled persons. Vocational rehabilitation services should form a continuous and coordinated programme so as to provide opportunities to disabled persons to prepare for, secure and retain suitable employment on their own account. Arrangements should be made for providing information about the available rehabilitation services to the disabled persons. It calls for the closest cooperation between, and the maximum coordination of the activities of the bodies responsible for medical treatment and vocational rehabilitation services. Measures should also be taken to widen employment opportunities for disabled persons in close cooperation with employers’ and workers’ organisations. Arrangements for training and employment under sheltered conditions for disabled persons must be made. Vocational rehabilitation services for disabled children and young persons at school age should be organised in cooperation with the authorities responsible for education and the educational programmes should take into account special problems of disabled children and young persons.

C. R. 10—*Human Resources Development Recommendation, 1975 (No. 150)*

This Recommendation is supplementary to the Convention No. 142. It requires the member States to develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training of young persons and adults for all areas of economic, social and cultural life, taking due account of the employment needs, and the stage and level of economic development. Appropriate programmes should be drawn up for all handicapped and disabled

persons. Programmes of vocational guidance should include group and individual counselling and are to be compatible with the right to freedom of choice in selecting an occupation. The Recommendation spells out in detail the objectives, scope, standards and outlines of vocational training including provision for periodical review and evaluation with the participation of employers' and workers' organisations. The competent authorities are required to establish plans for training of management and supervisory functions in consultation with employers' and workers' organisations, taking into account the level of the current and the prospective responsibilities of the trainees. Besides, the instrument provides for drawing up of appropriate programmes for particular areas or branches of economic activities, i. e., rural areas ; areas in which use of obsolescent technologies and methods of works are widespread ; industries and undertakings in decline or converting their activities (changing products, methods of production or the services) ; and new industries. Similarly measures are required to be taken for providing effective and adequate vocational guidance and vocational training programmes for particular groups of population, e. g., persons who had never been to school or left early ; older worker ; members of linguistic and other minority groups ; handicapped and disabled persons ; and migrant workers. The Recommendation also requires measures to be taken to promote equality of opportunity of women and men in training and employment. The instrument provides for appropriate training of staff ; research programmes, coordination with public authorities and others concerned ; periodical review of the vocational guidance and vocational training programmes ; and international cooperation.

Possible Subjects for New Standards

Adoption of appropriate standards relating to *Temporary Work Agencies* is under consideration.

ABSTRACT

EMPLOYMENT POLICY AND HUMAN RESOURCES DEVELOPMENT

(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications Received	Remarks
1.	122	Employment Policy	1964	52	
2.	2	Unemployment	1919	47	
3.	88	Employment Service	1948	58	
4.	34	Fee-Charging Employment Agencies	1933	10	No longer open to ratification
5.	96	Fee-Charging Employment Agencies (Revised)	1949	33	
6.	142	Human Resources Development	1975	0	Not come into force

RECOMMENDATIONS :

Sr. No.	Recommen- dation number	Title	Year of adoption
1.	11	Unemployment (Agriculture)	1921
2.	50	Public Works (International Co-operation)	1937
3.	51	Public Works (National Planning)	1937
4.	71	Employment (Transition from War to Peace)	1944
5.	73	Public Works (National Planning)	1944
6.	122	Employment Policy	1964
7.	45	Unemployment (Young Persons)	1935
8.	136	Special Youth Schemes	1970
9.	1	Unemployment	1919
10.	72	Employment Service	1944
11.	83	Employment Service	1948
12.	42	Employment Agencies	1933
13.	15	Vacational Education (Agriculture)	1921
14.	101	Vocational Training (Agriculture)	1956
15.	87	Vocational Guidance	1949
16.	57	Vocational Training	1939
17.	60	Apprenticeship	1939
18.	88	Vocational Training (Adults)	1950
19.	117	Vocational Training	1962
20.	56	Vocational Education (Building)	1937
21.	99	Vocational Rehabilitation (Disabled)	1955
22.	150	Human Resources Development	1975

CHAPTER—V

GENERAL CONDITIONS OF EMPLOYMENT

IMPROVING THE CONDITIONS in which men and women perform their daily work has been the central theme of ILO's programme. The very Preamble of the ILO's Constitution enshrines the following :

“Conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled.....an improvement of those conditions is urgently required : as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage.....”

It is more and more recognised that good conditions of work can contribute not only to a better and less strenuous life for the individual worker, but also to a more efficient production and more rapid economic growth. Though the ILO has been endeavouring since its inception to improve the working conditions, to ensure adequate wage and to provide leisure, rest and holiday, yet it cannot afford to call a halt to these activities. On the other hand the changes in the technology of production giving rise to new problems, the emergence of new values and attitudes of workers to their job and the demands for a better quality working life are the new challenges the ILO is required to meet. The scope for ILO *action* is thus, even more significant today than what it was in 1969.

Hitherto 22 Conventions and 22 Recommendations have been adopted on this subject. They are sub-classified as under :

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|------------------------|--|
| A. Employment Security | —1 Recommendation. |
| B. Wages | —5 Conventions and
5 Recommendations. |

- | | |
|------------------|---|
| C. Hours of work | —11 Conventions and
9 Recommendations. |
| D. Weekly Rest | —2 Conventions and
2 Recommendations. |
| E. Paid Leave | —4 Conventions and
4 Recommendations. |
| F. Leisure | —1 Recommendation. |

Possible Subjects for New Standards.

A. EMPLOYMENT SECURITY

Conventions : Nil

RECOMMENDATIONS :

A. R. 1—*Termination of Employment Recommendation*, 1963
(No. 119)

It applies to all categories of workers and may include persons who are engaged for a specific period of time or on casual basis or on probation. The Recommendation requires that only on valid reasons employment can be terminated and spells out reasons which can not be construed as valid. It provides for appeal to a neutral body, period of notice save in serious misconduct cases, some form of income protection which may include unemployment insurance, and other forms of social insurance or severance allowances paid by the employer.

When a reduction of the work force is contemplated workers' representatives should be consulted on all appropriate questions which may include restriction of over time ; training and re-training ; inter-departmental transfers ; spreading termination of employment over a period of time ; measures that would minimise effects of reduction ; and selection of workers to be affected by the reduction. The competent authority must be notified in advance of the proposed reduction if it is on a scale which could affect the manpower situation significantly. The Recommendation requires criteria to be determined in advance for effecting reduction in work force, keeping in view the need for an efficient operation

of the undertaking ; ability, skill, and experience of workers ; and their age, length of service and family situation. Terminated workers should enjoy priority of re-engagement with the original employers and their rate of wages must be protected. The national employment agencies must find alternative jobs for the terminated workers without delay.

Observation : The Conference Committee on the Application of Conventions and Recommendations in 1974, viewed that the question of "Termination of Employment" should again be brought before the Conference for the framing of further standards which would take account of developments since 1963.

B. WAGES

CONVENTIONS :

B. C. 1—*Minimum Wage-Fixing Machinery Convention, 1928* (No. 26)

Scope : It applies to workers in manufacturing and commerce (especially home workers) whose wages are exceptionally low and are not otherwise regulated.

Object : It aims at creation of machinery whereby minimum wage rates are fixed so that the wage earners are protected from unduly low wages.

Theme : Ratifying States are required to create or maintain minimum wage fixing machinery for the workers concerned. They are free to decide, after consultation with the organisations of workers and employers, the occupations, undertakings or categories of persons to which such minimum wage fixing machinery will be applied. Minimum rates of wages fixed shall be binding and no abatement will be allowed. The workers to whom the minimum rates are applicable will have the legal right to recover the underpaid amount.

Prior Consultation : While determining the nature and form of the wage fixing machinery and the methods to be followed in its operation, representatives of the employers and workers concerned should be consulted. Where appropriate they should participate in the operation of wage-fixing machinery.

Enforcement : Employers and workers are to be kept informed of the minimum rates of wages. An adequate system of supervision and sanctions has to be provided to ensure enforcement.

Current Status : Even though another Convention has been adopted in 1970 on the same subject, the Conference had decided that it will not be regarded as revising any existing Convention. As such Convention No. 26 is considered of continuing interest. 85 States have ratified it.

B. C. 2—Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)

Scope : Agricultural workers.

Object : It aims at providing adequate machinery whereby minimum rates of wages can be fixed for agricultural workers.

Theme : Member States undertake to provide adequate machinery to fix minimum rates of wages for workers in agricultural undertakings and related occupations. They will have the freedom to determine as to which undertakings, occupations and categories of persons the minimum wage fixing machinery shall be applied. The partial payment of minimum wages in the form of allowances in kind, if customary, is authorised subject to certain safeguards. The worker who is covered by the minimum wage provision will have the legal recourse to recover the amount underpaid.

Exceptions : The competent authority may exempt members of the farmer's family and certain other workers whose employment opportunities might be curtailed (physically and mentally handicapped workers) from its scope.

Prior Consultation : Employers' and workers' organisations are to be consulted and, where appropriate, participate in the operation of wage-fixing ; their organisations are also to be consulted as to the occupations or groups to be covered.

Enforcement : Necessary measures for supervision, inspection and sanctions may be made for ensuring enforcement of the provisions. The employers and workers concerned should also be informed of the minimum rates of wages in force.

Current Status : The Conference in 1970 viewed that the ratification of this Convention might represent a valid interim target for countries not yet in a position to ratify the Convention No. 131, adopted in 1970. As such Convention No. 99 must be considered as of continuing interest. 40 States have ratified the Convention.

B. C. 3—*Minimum Wage Fixing Convention, 1970 (No. 131)*

Scope : General. (all appropriate groups of wage earners).

Object : Aims at providing protection for wage earners against unduly low wages with special reference to developing countries.

Theme : Member States undertake to establish a system of minimum wages which shall have the force of law and shall not be subject to abatement, and are free to determine the groups of wage earners to be covered. While determining the level of minimum wages the needs of the workers and their families and economic factors including the requirements of economic development, should be taken into consideration.

Prior Consultation : The competent authority while determining the groups of wage earners to be covered, shall consult the representatives of organisations of employers and workers. They also will be consulted with the establishment, operation and modification of minimum wage fixing machinery. In appropriate cases the representatives of employers' and workers' organisation shall be allowed to participate on a basis of equality in the operation of wage fixing machinery. Persons having recognised competence for representing the general interests of the country may also be allowed to participate.

Enforcement : Adequate inspections reinforced by other necessary measures shall be taken to ensure effective application. Failure to apply minimum wages shall make the persons liable to appropriate penal or other sanctions.

Current Status : It is the most recent standard on the subject. 17 States have ratified the instrument.

B. C. 4—*Labour Clauses (Public Contracts) Convention, 1949 (No. 94)*

Scope : Workers employed by public contractors under

contracts awarded for public works, materials, supplies, equipment or services.

Object : Aims at ensuring for the workers employed by public contractors conditions not less favourable than those established for other workers.

Theme : Public contracts must include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established locally for similar work by collective agreements, arbitration award or legislation. The competent authority should take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

Exceptions : The competent authority can exclude persons occupying positions of management or of a technical, professional or scientific character, after consultation with the employers' and workers' organisations. Contracts involving expenditure below a given limit and those awarded by authorities other than central authorities can be excluded.

Prior Consultation : For providing exceptions and in determining the terms of the labour clauses the workers' and employers' organisations should be consulted.

Enforcement : A system of adequate records and inspection is to be instituted. Appropriate sanctions like withholding payments are to be applied to penalise violations and to enable the workers to get their wages due.

Current Status : This is of continuing interest. 45 States have ratified the Convention.

B. C. 5—Protection of Wages Convention, 1949 (No. 95)

Scope : All persons to whom wages are paid or payable.

Object : The Convention aims at ensuring that the workers receive their due wages and at protecting them against practices which might make them unduly dependent on the employer.

Theme : The Convention specifies that the wages payable in money should be paid only in legal tender (bank cheques or postal cheque or money orders may be permitted in certain cases). Partial payment of wages in the form of allowances in kind (other than liquor or drugs) can be authorised provided

it is appropriate for the worker and his family and the value attributed thereto is fair and reasonable. Wages must be paid directly to the worker concerned and he shall enjoy the freedom to dispose of his wages in any manner, he wishes. Workers must be informed of the wage conditions of their employment and the particulars of their wages. Deduction from wages, attachment or assignment of wages, under certain conditions and within certain limits is permitted. However, in fixing the limits due care for the maintenance of the workers and their family is to be taken. Wages shall be paid regularly, at intervals fixed statutorily or by collective agreement, on working days only, and at or near the work place. The use of work stores must be optional. It must not operate for profit and must charge fair prices. In the event of bankruptcy or judicial liquidation of an undertaking the workers must be treated as privileged creditors. The workers must be informed in an appropriate manner the conditions in respect of their wages, time of payment of wages, and particulars of their wages.

Exceptions : The competent authorities can exclude certain categories of persons to whom it would be inappropriate to apply the provisions, and those who are not employed in manual labour or are employed in domestic service or work similar thereto.

Prior Consultation : In providing exceptions the employers' and workers' organisations, directly concerned, must be consulted.

Enforcement : Adequate penalties or other appropriate remedies for violations of the provision must be provided. Further, adequate records of wages must be maintained. The persons responsible for compliance must be defined and the information relating to laws and regulations giving effect to the provisions of the Convention must be made available to persons concerned.

Current Status : 71 States have ratified the instrument and the Convention is of continuing interest.

RECOMMENDATIONS :

B.R. 1—*Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30)* ;

AND

B. R. 2—*Minimum Wage-Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89)*

Observation : These two Recommendations can be regarded as superseded since the relevant standards of reference are to be found in the instruments of 1970.

B. R. 3—*Minimum Wage-Fixing Recommendation, 1970, (No. 135)*

This is supplementary to Minimum Wage-Fixing Convention, 1970.

The Recommendation considers the social purpose of minimum wage-fixing. It requires that while fixing minimum wages, account should be taken of needs of the workers and their families, wage level, cost of living, social security benefit, relative living standards of other social groups, and economic factors. The number and groups of wage earners excluded from the benefits of minimum wage fixation should be kept at minimum. Minimum wage can be fixed through legislation, decisions of competent authorities, wage boards, labour courts and collective agreements. The system of minimum wages can comprise of fixing a single minimum wage of general application or by fixing a series of minimum wages applying to particular groups of workers. The matters on which the employers' and workers' organisations should be consulted must include selection, application, enrolling criteria for determining minimum wage level, the rates to be fixed and their revision, ways of encountering problems in the enforcement, and collection of relevant data. The Recommendation also envisages periodic review of the minimum wage rates with a view to adjusting them to the changes in cost of living and other economic conditions. For effective enforcement adequate provisions must be made for publicity, inspectorate, imposition of penalties for infringement, and adequate protection against victimisation of workers.

B. R. 4—*Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)*

This is supplementary to Labour Clauses (Public Contracts) Convention, 1949.

The Recommendation requires that the labour clauses in public contracts should prescribe the normal and overtime rate of wages, holidays and sick leave provisions and the manner in which the hours of work are to be regulated (including daily hours of work and permissible hours of work in continuous processes). Further, the instrument visualises that even when private employers are contracted out for public utility work, provisions substantially similar to those of the labour clauses in public contracts should be applied.

B.R. 5—*Protection of Wages Recommendation, 1949 (No. 85)*

This is supplementary to the Protection of Wages Convention, 1949.

The Recommendation requires that while making deduction from wages due regard must be given to safeguard the maintenance of the workers and his family. Before effecting deductions towards damage of products, proper responsibility should be fixed and worker must be given an opportunity to defend. The deduction should be fair and not exceed the amount of loss. The wages are to be paid not less often than twice a month at intervals not exceeding 16 days for hourly rated and piece rated workers and not less often than once a month for monthly employed persons. The workers are to be informed of particulars concerning the wage rates, methods of collection, periodicity, place of payment, and conditions for effecting deductions. They are also to be appraised of gross amount of wages, deduction made and the net amount due. Representatives of the workers should be associated with the general administration of stores or similar services established in connection with an undertaking for the sale of commodities or provision of services to the workers thereof.

C. HOURS OF WORK

CONVENTIONS :

C. C. 1—*Night Work (Bakeries) Convention, 1925 (No. 20)*

Scope : Bakery workers, including owners of bakeries. The Convention does not apply to wholesale biscuit manufacturing.

Object : The Convention aims at eliminating night work in bakeries.

Theme : Making of bread, pastry of other flour confectionery, during the night is forbidden, except for own consumption. Night signifies a period of at least 7 consecutive hours, fixed by the competent authority to include the interval between 11 P. M. and 5 A. M. or 10 P. M. to 4 A. M. when it is warranted by the climate or season or agreed between the concerned employers' and workers' organisations.

Exceptions : The night work in bakeries may be temporarily permitted in case of accident, urgent maintenance or *force majeure*. The competent authority may also make permanent or temporary exception in specific circumstances (preparatory work, tropical countries, arrangements for weekly rest, unusual pressure of work).

Prior Consultation : Employers' and workers' organisations must be consulted regarding the products to be considered as biscuits and the exceptions to be made by the competent authority.

Current Status : In view of the development of industrial baking, the Convention is *no longer adapted* to the present conditions. 16 States have ratified the Convention.

C. C. 2—*Hours of Work Industry Convention, 1919 (No. 1)*

Scope : Industrial undertakings.

Object : The Convention aims at fixing maximum weekly and daily hours of work for industrial workers.

Theme : The working hours of persons in any public or private industrial undertaking (the term has been elaborated in the Convention) or any branch thereof shall not exceed eight in a day and forty-eight in a week. In certain cases, working hours within a week or within several weeks, can be redistributed. In continuous processes involving shift work,

the limit of hours of work can be exceeded, subject to the condition that the average working hours in a week shall not exceed 56 hours and the rest day is not affected. The competent authority should define the line of division which separates industry from commerce and agriculture.

Exceptions : The authorities may make regulation providing for payment or temporary exceptions in conditions specified in the Convention, e. g., in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force-majeure*. The regulations shall fix the maximum number of additional hours and overtime pay shall not be less than one and one-quarter times the regular rate.

Prior Consultation : Employers' and workers' organisations must be consulted before providing for exceptions.

Enforcement : Employers are required to notify by means of posting of notices, hours of work and rest period (employment in disregard of which would be deemed a legal offence) and to keep records of extra hours worked and payments therefor.

Current Status : The Convention is considered to retain its interest. It has received 37 ratifications.

C. C. 3—*Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)*

Scope : Commercial and Trading Establishments and Administrative Services.

Object : The Convention regulates hours of work in commerce and offices.

Theme : The Convention envisages that the hours of work of persons in commercial establishments and administrative services shall not exceed forty-eight hours in a week and eight hours in a day. Further, it permits rearrangement of the maximum hours of work in a week in such a manner that the hours of work in any day do not exceed ten. The term hours of work shall exclude rest periods.

Exceptions : Subject to compliance of conditions prescribed in the Convention, the hours of work in a day may be increased in case of a general interruption of work due to local

holidays, accidents or *force-majeure*. The rate of pay for the additional hours of work permitted shall not be less than one-and-a-quarter times the regular rate.

Prior Consultation : Employers' and workers' organisations must be consulted before the regulations providing for exceptions are made.

Enforcement : Necessary measures should be taken for adequate inspection. The employers are required to notify the times at which hours of work begin and end, shift timings, and rest periods. They are required as well to keep records of extra hours of work and payments made therefor.

Current Status : The Convention retains its interest and has been ratified by 26 States.

C. C. 4—*Hours of Work (Coal Mines) Convention, 1931* (No. 31)

AND

C. C. 5—*Hours of Work (Coal Mines) Convention (Revised) 1935* (No. 46)

Scope : Coal Mines.

Object : The Conventions limit working hours and provides for a weekly rest day in coal mines.

Theme : Both the Conventions require the time spent daily in the mine by any worker, defined and calculated as specified in the Conventions, must not exceed 7 hours and 45 minutes. A worker shall not be employed on underground work in coal mines on Sundays and legal public holidays. As per Convention No. 46, this requirement shall be deemed to be complied with if at least 18 hours of the rest period of 24 hours, fall upon the Sunday or the legal public holiday. In open mines the hours of work will be limited to 8 per day and 48 per week.

Exceptions : The competent authority may authorise the prescribed working hours to be exceeded temporarily in exceptional circumstances, and by not more than half an hour per day, for specified technical processes and personnel. (Convention No. 46 specifies categories of workers for whom the hours can be exceeded). Sunday working may also be authorised for similar reasons. In addition upto 60 hours

overtime in a year in hard-coal mines (75 in lignite mines ; 200 in open mines) may be authorised. All underground overtime must be remunerated at not less than one and a quarter times the normal rate.

Prior Consultation : Employers' and workers' organisations must be consulted in the making of regulations concerning un-healthy work places (by reason of abnormal conditions of temperature, humidity or other cause) and over-time working.

Enforcement : Employers must notify working hours in an approved manner and keep records of over time work.

Current Status : Both the Conventions i. e. No. 31 and 46 have not received the number of ratifications required for entry into force and therefore have to be regarded as *obsolete*. (Convention No. 31 received 2 ratifications and Convention No. 46 received 3 ratifications).

C. C. 6—*Sheet-Glass Work Convention, 1934 (No. 43)*

AND

C. C. 7—*Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)*

Scope : Convention No. 43: Shift workers employed in continuous operations in automatic sheet-glass works.

Convention No. 49: Shift workers employed in glass works producing bottles and similar articles.

Object : Both the Conventions aim at securing the regulation and reduction of hours of work.

Theme : The Conventions envisage a system of work providing at least four shifts, the length of a spell of work not exceeding eight hours, the hours of work not exceeding an average of forty-two per week, calculated over a period not exceeding four weeks. The interval between two spells of work by the same shift shall not be less than sixteen hours. Convention No. 49 provides for validating agreements between employers and workers, ensuring more favourable conditions than those provided in the Convention.

Exceptions : The limits of hours can be temporarily exceeded and the intervals between two spells of work can be reduced in case of accident, urgent work to be done to

machinery or plant, or in case of *force-majeure* or to make good the unforeseen absence of one or more members of a shift. Overtime work is to be adequately compensated.

Enforcement : Employers are required to notify the hours of work and to keep records of additional hours of work done and the compensation granted therefor.

Current Status : Only 10 ratifications have been registered in respect of Convention No. 43 and 7 in respect of Convention No. 49.

C. C. 8—*Forty-Hour Week Convention, 1935 (No. 47)*

Scope : General.

Object : The Convention is designed to bring about the introduction of a working week of forty hours, as a means of reducing unemployment and enabling the workers to share in the benefits of rapid technical progress.

Theme : The Convention envisages the ratifying member States to declare their approval of the principle of forty-hour week applied in such a manner, as not to reduce the standard of living and to take such measures as may be appropriate to secure this end. The member States are expected to undertake to apply this principle to classes of employment, in accordance with the provision to be prescribed in separate Conventions.

Current Status : The Convention is considered to retain current interest. 5 States have ratified it.

C. C. 9—*Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)*

AND

C. C. 10—*Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)*

Scope : Convention No. 51 relates to building or civil engineering works financed or subsidised by central Governments.

Convention No. 61 relates to textile workers.

Object : Both the Conventions aim at reduction of hours of work to 40 a week.

Theme : The hours of work of persons covered by the Conventions shall not exceed an average of 40 per week.

However, in the case of persons working in continuous processes the weekly hours of work may average 42. These processes as well as the number of weeks considered in calculating the average and the maximum number of working hours in any week, must be determined by the competent authority.

Exceptions : The prescribed limit may be temporarily exceeded in case of accident, urgent maintenance, *force-majeure* and unforeseen absence of staff. The prescribed limits of hours can also be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted. Overtime work shall be remunerated at not less than one-and a quarter times the normal rate. Convention No. 61 makes room for the application of its provisions by stages during a two-year transitional period following its entry into force.

Prior Consultation : The competent authority may consult employers' and workers' organisations before taking decisions interpreting the scope of the Conventions, or concerning the period for calculation of average hours worked, and the maximum hours permissible per week, the authorisation of excess hours, and overtime working.

Enforcement : The employer shall notify the hours of work, shift hours, arrangements made in case where average is calculated over a number of weeks, time-table of work for persons in rotation system and rest periods. Records of additional hours worked and payments made thereof must be maintained.

Current Status : Both the Convention i. e. 51 and 61 have not received even a single ratification. They have not come into force.

C. C. 11—*Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)*

Scope : Applies to professional drivers of vehicles engaged in road transport and their assistants.

Object : Aims at regulation of the hours of work and rest periods.

Theme : The hours of work, as defined, or workers covered by the Convention must not exceed 48 hours in a week and 8 hours in a day. No driver may drive for any continuous period of more than 5 hours, save, where work is intermittent or involves adequate scheduled stops. He shall be granted in every period of 24 hours, a period of rest comprising at least 12 consecutive hours. He is also entitled for a period of rest comprising at least 30 consecutive hours in every 7 day period.

Exceptions : The prescribed limits may be exceeded in specified situation, c. g., absence of staff, accident, delays, emergencies, and *force-majeure*. Further, the competent authority can sanction higher weekly and daily limits in specified circumstances, e. g., where hours are averaged over the week or much more attendance is involved, to compensate for lost time or to meet exceptional needs and may permit over-time working up to prescribed yearly limit at one-and-a quarter times or beyond those limits at one and a half times the normal rate of pay. It may also allow the prescribed periods of daily and weekly rest to be reduced and rearranged on certain conditions.

Prior Consultation : Before taking decisions affecting exemptions, working hours and rest period or enforcement, the competent authority must consult the employers' and workers' organisations concerned.

Enforcement : The competent authority is expected to maintain a suitable system of supervision (labour inspectors, police etc.) on and off the roads. Employers are also expected to keep records and workers must carry a control book in which working hours and rest periods are entered.

Current Status : Only 4 States have ratified the Convention. The instrument appears *no longer adapted* to present conditions. However, the regulation of hours of work in road transport, dealt in this Convention and in its supplementary Recommendations, remains a matter of considerable interest and growing importance. The Island Transport Committee, at its Ninth Session (1972), proposed the convening of a meeting of experts to examine all the problems covered

in convention No. 67 in the light of recent developments and to formulate recommendations for ILO action.

RECOMMENDATIONS :

C.R. 1—*Hours of Work (Inland Navigation) Recommendation, 1920, (No. 8)*

The Recommendation requires member States to undertake legislation limiting the hours of work to 8 in a day and 48 in a week for workers employed in inland navigation and recommends the conclusion of agreement by States riparian to International waterways.

Observations : This Recommendation has largely been superseded by the provisions of Recommendation No. 116. However, Part II, which recommends the conclusion of agreements by States riparian to International waterways, remains of value.

C.R. 2—*Reduction of Hours of Work Recommendation, 1962, (No. 116)*

The Recommendation applies to all workers except in agricultural, maritime transport and maritime fishing. It is designed to secure speedy reduction, where necessary, of the working week to 48 hours, wherever possible, its progressive reduction below that figure, if necessary in stages. Such stages may be time spaced or progressively encompass different branches of national economy or combination of both. The normal hours of work should include the number of hours fixed through legislation, collective agreements or arbitration awards. The competent authority should prescribe maximum spread-over of work, make special provisions for continuous processes, determine the circumstances and limits in which exception to the normal hours of work may be permitted permanently, temporarily and periodically. All hours worked in excess of the normal hours should be deemed overtime and be remunerated at higher rate. The limit for permissible maximum overtime should be indicated. Representatives of workers' and employers' organisations should be consulted by the competent authority while applying the Recommendation and particularly while determining spread-over of work,

formulating special provisions for continuous processes, prescribing limitation and remuneration of overtime. The employers should notify to the workers shift timings, rest period, working time and the days worked during the week. Besides provisions for supervision, records regarding hours of work, wages and overtime for each of the workers must be maintained.

Observation : The Recommendation embodies the most recent standards on hours of work. In the course of the in-depth review of the general conditions of the work programme, it was suggested that this Recommendation should be regarded as a target for progress. It was suggested that a new Convention on hours of work might be adopted containing somewhat less rigid requirements concerning administration and enforcement measures than Conventions No. 1, 30 and 47.

C. R. 3—*Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37)*

C. R. 4—*Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38)*

AND

C. R. 5—*Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39)*

All these Recommendations are supplementary to Hours of Work (Commerce and Offices) Convention 1930. They provide for special investigation into the hours of work of various categories of workers excluded from Convention No. 30. Recommendation No. 37 concerns hotels, restaurants and similar establishments ; Recommendation No. 38 concerns with theatres, music halls, cinemas and other places of public amusement ; Recommendation No. 39 concerns with the establishments for the treatment or the care of the sick, infirm, destitutes or mentally unfit.

Observation : The investigations envisaged in the instruments were required with a view to consideration by the Governing Body of the need for further standards. As such their force is now spent.

C. R. 6—*Control Books (Road Transport) Recommendation, 1939 (No. 63)* ;

C. R. 7—*Night Work (Road Transport) Recommendation, 1939 (No. 64) ;*

C. R. 8—*Method of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65)*

AND

C. R. 9—*Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66)*

These Recommendations are supplementary to the Hours of Work and Rest Periods (Road Transport) Convention, 1939.

Recommendation No. 63 provides for the maintenance of individual control book containing particulars relating to the time of the working day, time spent in running the vehicle and in subsidiary work, periods of mere attendance, duration of rest and interruption, period of continuous driving time, weekly rest period and extension of work beyond normal hours. This is with a view to facilitate supervision of hours of work and rest period of the persons concerned. The Recommendation allows variation in the entries to be made in the control book for specified classes of transport. Drivers and attendants are required to carry control book along with them on duty.

Recommendation No. 64 envisages competent authority to determine the classes of transport for which it authorises night work to be regularly worked and to define what constitutes night work. Further, it envisages that when night work is organised on a rota system, the number of turns of night work should not exceed the number of turns of day worked during the same period.

Recommendation No. 65 requires the member States actively to encourage voluntary joint collective machinery to be established in agreement between workers' and employers' organisations and in the alternative to establish statutory machinery operated in consultation with such organisations, while taking measures to regulate the provisions of the Hours of Work and Rest Periods (Road transport) Convention, No. 67.

Recommendation No. 66 requires the member States to draw regulations for observance of minimum daily and weekly

rest periods for professional drivers of private vehicles used solely for personal services.

Observation : All these instruments are of considerable importance.

D. WEEKLY REST

CONVENTIONS :

D. C. 1—*Weekly Rest (Industry) Convention, 1921 (No. 14)*

Scope : Industry.

Object : Envisages grant of weekly rest day in industrial employment.

Theme : A period of rest comprising at least 24 consecutive hours in every period of 7 days must be granted and wherever possible it shall be granted simultaneously to whole of the staff of each undertaking. Further, the rest period shall be fixed so as to coincide with the days already established by the traditions of the country or district, wherever possible.

Exceptions : Total or partial exceptions (including suspension or diminutions) may be permitted having regard to humanitarian and economic consideration. As far as possible provision for compensatory period of rest for the suspension of diminutions may be made.

Prior Consultation : Employers' and workers' organisations must be consulted before the exceptions are authorised.

Enforcement : Employers are required to notify the weekly rest period to the staff by notices or rosters.

Current Status : 81 States have ratified the Convention and the instrument is of current interest.

D. C. 2—*Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)*

Scope : Commerce and Offices.

Object : Aims at granting of weekly rest.

Theme : An uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of 7 days must be granted to the persons covered. The weekly rest wherever possible, shall be granted simultaneously to all the persons concerned in each establishment. Special weekly

rest schemes to specified categories of persons or types of establishment can be made in special circumstances provided that the persons enjoy at least one rest for each 7 days period and no loss of income must ensure from such application.

Exceptions : Temporary exemptions, total or partial (including the suspension or reduction of the rest period) may be granted by competent authority in case of accident, *force-majeure*, urgent maintenance, abnormal pressure of work, or for preventing loss of perishable goods.

Prior Consultation : Employers' and workers' organisations should be consulted in determining the circumstances in which temporary exemptions are granted.

Enforcement : Appropriate measure should be taken for administration, inspections and imposition of penalties.

Current Status : The instrument is of continuing interest and has received 39 ratifications.

RECOMMENDATIONS :

D. R. 1—*Weekly Rest (Commerce) Recommendation, 1921 (No. 18)*

This Recommendation has been superseded by the Recommendation No. 103 adopted in 1957.

D. R. 2—*Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)*

This Recommendation is supplementary to the Weekly Rest (Commerce and Offices) Convention, 1957. The Recommendation provides for a minimum weekly rest of 36 hours (2 days in case of young persons under 18 years of age) and wherever possible this should be uninterrupted period. Besides detailing the calculation of weekly rest, the Recommendation requires the special rest scheme drawn under Convention to ensure that persons do not work for more than 3 weeks without rest period and where it is not possible to grant rest period of 24 consecutive hours, a minimum of 12 hours of uninterrupted rest should be granted. The instrument requires making of provision for protection against reduction of income of persons covered by the Convention

and envisages maintenance of necessary records for proper administration of weekly rest arrangements.

E. PAID LEAVE

CONVENTIONS :

E. C. 1—*Holidays with Pay Convention, 1936 (No. 52)*

Scope : Industrial, commercial and administrative workers.

Object : Aims at providing annual holidays with pay to the workers.

Theme : A minimum annual holiday with pay for six working days after one year of continuous service is provided for. Public and customary holidays and interruptions of attendance at work due to sickness are excluded from this annual holiday. For persons including apprentices, under 16 years of age, the annual holiday would be of 12 days. The annual holiday shall increase with the length of service. Any agreement to relinquish the right to an annual paid holiday shall be void. A dismissed persons (reason imputable to the employer) is entitled for proportionate holidays. In special circumstances the annual holiday with pay exceeding the minimum (six days) can be divided into parts. During the paid holidays workers must receive their usual remuneration. (including the cash equivalent of remuneration in kind) as determined in the appropriate manner. A person who is engaged in paid employment during his annual holiday may be deprived of payment in respect of the period of the holiday.

Exceptions : The competent authority may exempt persons employed in public services and persons employed in undertakings in which only members of the employers' family are employed.

Prior Consultation : The principal organisations of employers and workers concerned should be consulted by competent authorities before taking decisions defining the undertakings establishments covered.

Enforcement : The employer is required to keep a record of the paid holidays taken by the workers along with the remuneration received for the period.

Current Status : The Convention has since been revised

by Convention No. 132 and is no longer open for ratification. However it remains in force for 48 States that have ratified it.

E. C. 2—Holiday with Pay Convention, (Revised) 1970 (No. 132)

Scope : All employed persons with the exception of sea farers. (Ratifying States may accept the obligation involved separately for agricultural workers and for other workers).

Object : The Convention provides for annual paid holiday for the workers.

Theme : Every person is entitled to a minimum annual paid holiday of three working weeks after one year of service. It also provides for proportionate holidays after shorter period of service subject to qualifying period not exceeding six months. Public and customary holidays and, under conditions to be determined by the competent authority, periods of incapacity for work resulting from sickness or injury will not be counted as part of the minimum annual holiday. The annual holiday permits division into parts provided one of the part shall consist of at least two uninterrupted working weeks. The Convention also allows postponement, within limits, of part of a holiday. During their paid holiday, workers must receive their usual remuneration (including the cash equivalent of remuneration in kind), calculated in a manner determined by the competent authority. Agreements to forego an annual paid holiday are void. Further, on completion of minimum period of service, a person whose services have been terminated is entitled for a holiday with pay proportionate to the length of service. Special rules may be laid down in respect of cases in which employed person engages, during the holiday, in any gainful activity. The time of the holiday is to be determined by the employer after consulting the worker or his representatives unless it is fixed by collective agreement or otherwise.

Exceptions : Limited categories of employed persons in respect of whose employment, special problems of a substantial nature arise can be excluded from the application of the Convention.

Prior Consultation : The competent authority must consult

employers' and workers' organisations before excluding categories of workers from the benefit and while determining the limits placed or postponement of holidays.

Current Status : This is the most recent standard on the subject. 9 States have ratified the same.

E. C. 3—*Holidays with Pay (Agriculture) Convention, 1952*
(No. 101)

Scope : Agriculture.

Object : Aims at providing annual holiday with pay for agricultural workers.

Theme : The workers employed in agricultural undertakings and related occupations are to be given annual holiday with pay after a period of continuous service with the same employer in a manner to be decided by each ratifying State. The minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement, arbitration or otherwise approved by the competent authority. A person dismissed from service (other than for his own misconduct) shall receive his full remuneration in respect of holidays due to him. The remuneration would include the cash equivalent of payments in kind. Agreement to relinquish the right to annual holiday with pay shall be void. The annual holiday may be divided within limits authorised by competent authority. The Convention also envisages provision for more favourable treatment for young workers, an increase in the duration of holidays with the length of service, proportionate holidays for short period of service and exclusion from the annual holiday public holidays, weekly rest periods and days of sickness.

Exceptions : Categories of persons whose conditions of employment render such provision inapplicable to them such as the members of farmer's family employed by him can be excluded.

Prior Consultation : In interpreting the scope of the Convention and deciding the manner of its application, ratifying States must consult representative organisations of

employers and workers concerned, who must participate in its regulation on a basis of equality.

Enforcement : An adequate system of inspection and supervision must be made for ensuring compliance.

Current Status : This has been revised by the Convention No. 132. However it is left open for ratification as an interim target for countries not yet able to accept Convention No. 132 in respect of agriculture. It has obtained 38 ratifications so far.

E. C. 4—*Paid Education Leave Convention, 1974 (No. 140)*

Scope : General.

Object : Aims at providing leave with adequate financial entitlement to workers for education purposes.

Theme : Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations call for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural characters, this Convention has been adopted.

Paid educational leave is to be granted to workers for the purpose of training at any level ; for general, social, civic, and for trade union education (eligibility conditions varying according to the needs), within the framework of national policy which should take into account of the stage of development and the particular needs of the country and of different sectors of activity. The policy should contribute to the acquisition and improvement of skills, promotion of worker's participation in the life of the undertaking and of the community ; human, social and cultural advancement of workers ; and the promotion of appropriate continuing education and training in general. Paid educational leave should not be denied on the ground of race, colour, sex, religion, political opinion, national extraction or national origin. The financial arrangements for paid educational leave shall be regular and adequate. Special provision shall be made for particular categories of workers or for particular categories of undertakings, not fitting into general arrangements. The provision can be ensured through legislation, collective agreement, arbi-

tration awards or such means as may be consistent with the national practice.

Prior Consultation : While framing and applying the regulations for granting paid educational leave, employers' and workers' organisations and other educational and training institutions should be associated.

Current Status : It is the latest standard on the subject and is of growing value. 5 States have ratified the instrument.

RECOMMENDATIONS :

E. R. 1—*Holidays with Pay Recommendation, 1936 (No. 47)* ;

E. R. 2—*Holiday with Pay (Agriculture) Recommendation, 1952 (No. 93)* ;

AND

E. R. 3—*Holidays with Pay Recommendation, 1954 (No. 98)*

Recommendation No. 47 which is supplementary to Convention No. 52, details out the methods of regulating annual holidays with pay. It prescribes periods that should be included in determining continuity of service, entitlement of holiday after one year's work, division of holidays into not more than two parts, increase in the length of the holiday, calculation of average earnings over a fairly long period so as to nullify the effect of fluctuation in earnings and designing more advantageous system of young persons and apprentices.

Recommendation No. 93 is supplementary to Convention No. 101 and contains detailed provision relating to interpretation of continuity of service, division of holidays, favourable provision for young workers and apprentices in agricultural undertakings.

Recommendation No. 98 which applies to all workers except seafarers and agricultural workers, provides for an annual holiday with pay of at least two working weeks, longer leave for workers under 18, increase in holiday with length of services and policy to be pursued regarding interruption of work due to sickness, unemployment or other reasons. Provision is also made for consultation and participation of employers and workers in implementing the provisions.

Observation : All the three Recommendations i.e. Nos. 47, 93 and 98 have been *superseded* by the adoption of Convention No. 132.

*E. R. 4—Paid Educational Leave Recommendation, 1974
(No. 148)*

This Recommendation which is supplementary to Convention No. 140, makes additional provision on the subject. It requires the fact to be recognised that the paid educational leave is not a substitute for adequate education in early life and it is only one of the means for continuing education. While formulating the policy for promotion of paid educational leave the current and future training need of workers must be ascertained ; all available resources on education and training must be made full use of ; and the new needs in teaching methods must be taken into account. Workers must be encouraged to make use of education and training available to them and employers must be encouraged to grant paid educational leave to workers. Regarding financial arrangements, the Recommendation expects employers, public authorities, and organisations of employers and workers to contribute to the financial arrangement of paid educational leave. Regarding leave for trade union education the workers' organisations should have the responsibility for planning, approval and implementation of the programme. The efficient continuing operation of an undertaking has to be ensured through agreement while granting paid educational leave. Priority should be given to those categories of workers who have urgent educational need in the context of national or local circumstances. During paid educational leave the level of earnings must be continuously maintained and any major additional burden on education should be taken into account.

F. LEISURE

CONVENTIONS : Nil

RECOMMENDATIONS :

*F.R. 1—Utilisation of Spare-Time Recommendation, 1924
(No. 21)*

The Recommendation visualises development of facilities for

the utilisation of workers' leisure. To that end, measures must be taken to prevent workers from having recourse to additional paid work ; reduce the time spent on transport to and from work to the minimum ; and to make periods of spare time continuous. It further envisages encouragement of individual hygiene by provisions for public bath, swimming pools and taking action against misuse of alcohol, against tuberculosis etc. and provision for increase in number of healthy dwellings at low rentals. It also visualises schemes which would both assist full and harmonious development of the individual and of the family, e.g., the improvement of workers' domestic economy and family life ; development of physical health and strength of workers ; the extension of technical, domestic and general education, without any encroachment of the promoters of such institutions on the liberty of those for whom the institutions are intended. The instrument recommends building up information in favour of the proper use of the spare time of the workers and contemplates constitution of local committees comprising different interests to coordinate the activities of the various institutions providing means of recreation.

Observation : The Recommendation has to a considerable extent been superseded by standards adopted in 1956 and 1961. Welfare Facilities Recommendation, 1956 covers recreation and transport facilities, while the Works Housing Recommendation, 1961 covers housing. The question of leisure is receiving renewed attention within the framework of programme emphasis on improved conditions and humanisation of work and appropriateness for further standards in this field is under study.

POSSIBLE SUBJECTS FOR NEW STANDARDS

Proposals for adoption of standards on the following subjects are under study :

1. *Employment and conditions of work and life of nursing personnel.*
2. *Temporary work.* (Conditions of work of temporary workers).
3. *Rights of access to information and protection of worker's privacy.*

4. *Humanisation of work.*
5. *Condition of work in multinational enterprises.*
6. *Protection of the salaried inventor.*
7. *Arrangement of working time.* (Covering practices such as flexible hours, part-time employment, and flexible retirement.)
8. *Labour management aspects of the merger and closure of undertakings.* (Specially from the point of view of the protection of workers affected by such measures).

ABSTRACT

GÉNÉRAL CONDITIONS OF EMPLOYMENT
(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of Ratifications received	Remarks
1.	26	Minimum Wage-Fixing Machinery	1928	85	
2.	99	Minimum Wage-Fixing Machinery (Agriculture)	1951	40	
3.	131	Minimum Wage Fixing	1970	17	
4.	94	Labour Clauses (Public Contracts)	1949	45	
5.	95	Protection of Wages	1949	71	
6.	20	Night Work (Bakeries)	1925	16	
7.	1	Hours of Work Industry	1919	37	
8.	30	Hours of Work (Commerce and Offices)	1930	26	
9.	31	Hours of Work (Coal Mines)	1931	2	Not come into force. Since Revised.
10.	46	Hours of Work (Coal Mines) (Revised)	1935	3	Not come into force.
11.	43	Sheet-Glass Works	1935	10	
12.	49	Reduction of Hours of Work (Glass-Bottle Works)	1934	7	
13.	47	Forty-Hour Week	1935	5	
14.	51	Reduction of Hours of Work (Public Works)	1935	0	Not come into force.
15.	61	Reduction of Hours of Work (Textiles)	1936	0	Not come into force.
16.	67	Hours of Work and Rest Periods	1937	0	Not come into force.
17.	14	Weekly Rest (Industry)	1939	4	
18.	106	Weekly Rest (Commerce and Offices)	1921	81	
19.	52	Holidays with Pay	1957	39	
20.	132	Holidays with Pay (Revised)	1936	48	No longer open to ratification.
21.	101	Holidays with Pay (Agriculture)	1970	9	
22.	140	Paid Educational Leave	1952	38	Since Revised.
			1974	5	

RECOMMENDATIONS :

Sr. No.	Recommendation number	Title	Year of adoption
1.	119	Termination of Employment	1963
2.	30	Minimum Wage-Fixing Machinery	1928
3.	89	Minimum Wage-Fixing Machinery (Agriculture)	1951
4.	135	Minimum Wage-Fixing	1970
5.	84	Labour Clauses (Public Contracts)	1949
6.	85	Protection of Wages	1949
7.	8	Hours of Work (Inland Navigation)	1920
8.	116	Reduction of Hours of Work	1962
9.	37	Hours of Work (Hotels etc.)	1930
10.	38	Hours of Work (Theatres etc.)	1930
11.	39	Hours of Work (Hospitals etc.)	1930
12.	63	Control Books (Road Transport)	1939
13.	64	Night Work (Road Transport)	1939
14.	65	Methods of Regulating Hours (Road Transport)	1939
15.	66	Rest Periods (Private Chauffeurs)	1939
16.	18	Weekly Rest (Commerce)	1921
17.	103	Weekly Rest (Commerce and Offices)	1957
18.	47	Holidays with Pay	1936
19.	93	Holidays with Pay (Agriculture)	1952
20.	98	Holidays with Pay	1954
21.	148	Paid Educational Leave	1974
22.	21	Utilisation of Spare-Time	1924

CHAPTER—VI

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

WITH THE advent of modern industrialisation, the tendency to reduce working costs and the urge to earn quick profits grew. Practically, in every country, child employment was a common practice. They were paid very low wages, were subjected to long hours of work and were made to work under sub-human conditions. The ILO has been concerned with this problem since its inception. It has played a key role in the fight against exploitation of children by setting standards regulating the minimum age for admission to work and the recruitment of youngsters into unhealthy or dangerous jobs. It has been reported that “many of the worst abuses connected with child labour in industry have been sharply reduced”, even though they are still existent in some countries. In spite of enlightened and progressive labour legislation, child labour continues to be a problem in traditional workshops, in agriculture, in small family undertakings, in shops and petty trades. This only points out the inadequacy of legislation to tackle the problem. Child labour is a reflection of poverty and lack of opportunities affecting large sections of the population and “will never be effectively eliminated until those broader evils have been tackled”. Realizing this, the ILO has widened its area of action. From the protection of youth and children, it has gone to fostering vocational training and guidance with a view to productive employment, and now gives high priority to this matter in its activities.

So far 13 Conventions and 9 Recommendations have been adopted on this subject. They are :—

- | | |
|------------------------|---|
| A. Minimum Age | — 7 Conventions and
5 Recommendations. |
| B. Medical Examination | — 3 Conventions and
1 Recommendation. |

C. Night work — 3 Conventions and
2 Recommendations.

D. Conditions of Employment
in underground work. — 1 Recommendation.

A. MINIMUM AGE

CONVENTIONS :

A. C. 1—*Minimum Age (Industry) Convention, 1919 (No. 5)*
AND

A.C. 2—*Minimum Age (Industry) Convention (Revised), 1937*
(No. 59)

Scope : Industrial undertakings.

Object : Both the Conventions aim at fixing age of children for employment.

Theme : Convention No. 5 requires that children under the age of 14 years should not be employed or work in industrial undertakings. Convention No. 59 prescribes 15 as minimum age for employment of children and requires that the national laws should prescribe a higher age limit in respect of employments that are dangerous to the life, health or morals of the persons employed therein. Both the Conventions contain special provisions for certain member countries.

Exceptions : The provisions of the Conventions are not applicable to work done by children in technical school.

Enforcement : Employers should keep registers showing the dates of birth of all persons under 16 (Convention No. 5) or 18 (Convention No. 59) years of age employed by them.

Current Status : Both the Conventions have been revised by Convention No. 138. However they are open to ratification, as is expressly provided for in the Convention No. 138. 61 and 32 States have ratified the Convention Nos. 5 and 59 respectively.

A.C. 3—*Minimum Age (Agriculture) Convention, 1921 (No. 10)*

Scope : Agriculture.

Object : The Convention is designed to prohibit the employment of children during school hours.

Theme : The employment of children under 14 years of

age is permitted only outside compulsory school hours, and then only to the extent that it does not prejudice attendance at school. The school time table may, however, be arranged to permit light agricultural work by children for purposes of vocational instruction, provided that their annual school attendance does not fall below 8 months.

Exceptions: This has been revised by Convention No. 138. However, it remains open to ratification, as specifically mentioned in the revised Convention. 41 States have ratified the instrument.

A. C. 4—*Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)*

AND

A. C. 5—*Minimum Age (Non-Industrial Employment) Convention, (Revised) 1937 (No. 60)*

Scope: All employment otherwise than in industry, in agriculture or at sea.

Theme: The minimum age at which children may be employed is fixed by Convention No. 33 at 14 years and by Convention No. 60 at 16 years, provided that children still attending compulsory primary schooling should in no case be employed and that national legislation should fix a higher age limit in the case of physically or morally dangerous employment and, as necessary, for employment in itinerant trades or public places.

Exceptions: Children over 12 (Convention No. 33) or over 13 but under 14 years of age (Convention No. 60) may be employed except on Sundays, public holidays and at night on light work which does not prejudice their health, development or schooling, for a maximum of two hours daily and provided that the total school and working hours do not exceed seven daily (Convention No. 60 provides that the national legislation shall prescribe the daily working hours permitted for children over 14 years of age); in countries without compulsory schooling, working hours must not exceed four and a half per day. Subject to certain safeguards, children may be permitted to perform in public before midnight in the interests of art, science or education. (The

Conventions do not apply to work done in technical and professional schools).

Prior Consultation : Employers' and workers' organisations should be consulted regarding the type of work allowed and safeguards required.

Enforcement : National legislation must provide for inspection, supervision and penalties. In addition, Convention No. 60 requires employers to keep registers showing the date of birth of all workers under 18 years of age in relevant employment.

Current Status : The Conventions have been revised by Convention No. 138. Convention No. 33 is *no longer open* to ratification but retains interest for the 23 States that have ratified it. Convention No. 60 remains open to ratification and 11 States have ratified it.

A. C. 6—*Minimum Age (Underground Work) Convention, 1965 (No. 123)*

Scope : Underground mines and quarries.

Object : The Convention is designed to establish a higher age for admission to employment in underground mines than for admission to industrial employment in general.

Theme : Ratifying States should specify a minimum age, which must not be less than 16 years, for employment in underground workings. The minimum age may be raised by a subsequent further declaration, under notification to the ILO.

Prior Consultation : Employers' and workers' organisations concerned must be consulted before the minimum age for employment is determined.

Enforcement : Appropriate measures, including penalties, must be applied by the competent authority ; supervision by inspection must be ensured ; persons responsible for compliance must be defined ; and employers must keep and make available to inspectors and workers' representatives particulars showing the date of birth and of first employment underground of workers less than 2 years older than the specified minimum age.

Current Status : This has been revised by Convention No. 138. However, it remains open to ratification and 35 States have ratified the instrument.

A. C. 7—*Minimum Age Convention, 1973 (No. 138)*

Scope : All economic sectors.

Object : Aims at total abolition of child labour.

Theme : The ratifying States are required to raise the minimum working age progressively to a level consistent with the fullest physical and mental development of the young. The minimum age provided should not be less than the age at which compulsory schooling is completed, and in any case not less than 15 years. However, developing countries are permitted to fix the minimum age as 14 years initially. In case of work which is likely to jeopardise the health, safety or morals of young persons, the minimum age should not be less than 18 years (Employment from the age of 16 can be permitted subject to certain condition). The Convention specifies different economic sectors to which the provisions should be made applicable as a minimum. Work done by children and young persons in school and training institution is excluded from the applicability of the provision of the Convention.

Exception : The competent authority can exclude limited categories of employment or work, where the application would be problematical, and allow exceptions in individual cases for participation in artistic performances. The scope can be restricted in developing countries. National laws may permit persons between 13 to 15 years to be employed on light work.

Prior Consultation : The organisations of employers and workers concerned should be consulted when the scope of applicability is restricted ; categories of employment are excluded ; and employment at an age lower than the prescribed limit is authorised.

Enforcement : The Convention requires provisions to be made for penalties in case of violation. The persons responsible for compliance must be defined and the employers should maintain appropriate records and documents of persons employed below 18 years of age.

Current Status : This Convention revises all the earlier Conventions relating to minimum age for employment and

updates the standards in this field. It has received 3 ratifications so far.

RECOMMENDATIONS :

A.R. 1—*Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41) ;*

A.R. 2—*Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52)*

AND

A.R. 3—*Minimum Age (Coal Mines) Recommendation 1953 (No. 96)*

Recommendation No. 41 is supplementary to Convention No. 33 and contains additional provisions concerning light work (preferred types, parental consent, advice of physician and teachers), public entertainment, dangerous employment and prohibition of employment by certain persons.

Recommendation No. 52 supplements the provisions of Convention No. 59 by way of extending the scope of its applicability. It requires the member States to take every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

Recommendation No. 96 prohibits the employment underground in coal mines of young persons below 16 years of age. Young persons who are above 16 years and below 18 also should not be employed underground in coal mines except for purposes of apprenticeship or under conditions determined by the competent authority.

Observation : Recommendation Nos. 41 and 52 can be considered *superseded* by the instruments adopted on Minimum Age in 1973. Recommendation No. 96 was *superseded* by the instruments adopted in 1965 on Minimum Age (underground).

A. R. 4—*Minimum Age (underground work) Recommendation, 1965 (No. 124)*

This is supplementary to Convention No. 123 and provides for raising of the minimum age for underground work, progressively to 18 years (otherwise than during apprenticeship or under conditions determined by the competent autho-

urity). This must be done immediately in case of unhealthy or hazardous work). Measures should be taken to meet the problems of intending mine workers, waiting to reach minimum age, which may include employment in surface work, vocational training, further education and vocational guidance. In implementing the provision, the competent authority should consult the most representative organisations of employers and workers concerned.

A. R. 5—Minimum Age Recommendation, 1973 (No. 146)

This is supplementary to Convention No. 138. It requires the national development policies to give priority to the needs of children and youth and enumerates areas deserving special attention. Such areas may include promotion of employment oriented development in rural and urban areas ; economic measures to alleviate poverty and consequently minimise recourse to the economic activity of children ; inclusion of children's allowance in social security measures ; and promotion of measures for development of young persons and children. The instrument requires the minimum age to be fixed at the same level for all sectors of economic activity and raising of minimum age to 16 for admission to employment (18 years in case of work likely to jeopardise the health, safety or morals of young persons). The instrument envisages maintenance of satisfactory standard and supervision of employment conditions of children and young persons under the age of 18 years as well the conditions in which they undergo vocational orientation and training within undertakings. It also calls for strengthening of labour inspection services and maintenance of appropriate documents and registers by employers relating to those children and young persons who are employed by them as well as those receiving vocational orientation or training in their undertakings.

B. MEDICAL EXAMINATION

CONVENTIONS :

**B. C. 1—*Medical Examination of Young Persons (Industry)*
*Convention, 1946 (No. 77) ;***

AND

B. C. 2—*Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)*

Scope : Convention No. 77 : Industry, including transport (other than maritime).

Convention No. 78 : All non-industrial occupations (other than agricultural and maritime).

Object : The Conventions are intended to prevent the employment of young persons who are not physically fit for employment.

Theme : Before admission to employment and at yearly intervals thereafter (or shorter periods if the occupational risks involved or health of the person so require), children and young persons under 18 years of age (or under 21 years of age in occupations involving high health risk) must be medically examined by a competent physician, without cost to themselves or their parents, and their fitness for employment must be attested in a prescribed manner. Where the result is uncertain, temporary or restricted work permits may be issued. Measures must be taken for the vocational guidance and rehabilitation of handicapped persons.

Exceptions : States, where no legal provisions on the subject existed before the adoption of the legislation permitting ratification, may substitute ages not lower than 16 and 19 years for the ages of 18 and 21 years prescribed.

Enforcement : Employers must keep documents attesting fitness available for inspection. National legislation must determine other methods of supervision (including enforcement in respect of young persons employed in itinerant trades and public places).

Current Status : The Conventions remain of current interest. 28 States have ratified Convention No. 77 and 26 States Convention No. 78.

B. C. 3—*Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)*

Scope : Underground mines.

Object : The Convention requires the supervision of the health of persons under 21 years of age employed underground.

Theme : The fitness for work underground of young persons under 21 years of age must be checked by medical pre-employment and annual examinations (or equivalent alternative arrangements in the case of persons between 18 and 21 years of age). The examinations must be performed by a qualified physician, without cost to the young person or his parents. Fitness must be certified in an appropriate manner, and the certificate must include an X-ray film of the lungs initially and subsequently as necessary.

Prior Consultation : The competent authority must consult employers' and workers' organisations before adopting policies or regulations implementing the Convention, or permitting alternative arrangements for medical supervision.

Enforcement : Legislation must define persons responsible for compliance and provide for inspection and penalties. Employers must keep records of employed persons under 21, showing the date of birth, and certificates of fitness available for inspection.

Current Status : The instrument is of continuing interest. 28 States have ratified the same.

RECOMMENDATIONS :

B. R. 1—*Medical Examination of Young Persons Recommendation, 1946 (No. 79)*

This is supplementary to Convention Nos. 77 and 78. The Recommendation requires the member States to apply the provisions of Convention No. 78 to commercial establishments ; postal and telecommunication services ; administrative services involving clerical work ; newspaper undertakings ; destitute homes ; hotels and theatres ; itinerant trading ; and all other jobs which are neither industrial or agricultural nor maritime. It elaborates the nature of pre-employment and periodical examinations of fitness. It recommends for the extension of compulsory medical examination until at least 21 years for all young workers employed in industrial or non-industrial occupations. It provides additional measures relating to handicapped persons (medical treatment for removing the handicaps, training to suitable occupations, financial

aid during medical treatment), training a body of examining doctors, and enforcement including licensing of young itinerant workers under the age-limit up to which medical examination for fitness is compulsory.

C. NIGHT WORK

CONVENTIONS :

C. C. 1—*Night Work of Young Persons (Industry) Convention, 1919 (No. 6)*

AND

C. C. 2—*Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)*

Scope : Industry, including transport by road or rail.

Object : The Conventions seek to eliminate night work by young persons.

Theme : Both the Conventions prohibit the employment of young persons during night in any industrial undertakings. Convention No. 6 defines night as a period of at least 11 consecutive hours including interval between 10 p. m. to 5 a.m. Convention No. 90 defines night as a period of at least 12 consecutive hours including interval between 10 p.m. to 6 a.m. for persons less than 16 years old, and a 7 hour interval between 10 p.m. to 7 a.m. prescribed by competent authority, for persons who have attained the age of sixteen but are under the age of eighteen years. In tropical climates the night period may be shorter, if compensatory rest is accorded during the day. As per Convention No. 6 in the banking industry the interval may be between 9 p. m. to 4 a. m. instead of 10 p.m. to 5 a.m. Convention No. 90 permits such substitution only for purposes of apprenticeship or vocational training.

Exceptions : Night work by the persons at least 16 years old may be permitted in specified industries using continuous processes including manufacture of iron and steel, paper, raw sugar ; glass works ; and gold mining. (Convention No. 90 for training purposes only). The provisions prohibiting it do not apply in temporary emergencies interfering with the working of an industry, and may be suspended by the Government during national emergencies.

Prior Consultation : Convention No. 90 requires the competent authority to consult the employers' and workers' organisations concerned before prescribing an interval beginning after 11 p.m. or permitting night work by young persons in exceptional cases.

Enforcement : Convention No. 90 requires ratifying States to make its provisions known to those concerned, define persons responsible for compliance, and provide for inspection and penalties ; employers must keep records showing the date of birth of persons under 18 years of age employed by them.

Current Status : Convention No. 6 has been revised by Convention No. 90, but it remains open to ratification. 52 States have ratified the same.

Convention No. 90 is of current interest. 37 States have ratified it.

C. C. 3—*Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)*

Scope : All non-industrial occupations (other than agricultural or maritime).

Object : The Convention seeks to eliminate night work by children and young persons.

Theme : The Convention prohibits the employment at night (a) of children under 14 years of age who are admissible for employment, and children over 14 years of age who still have to attend school, during a period of at least 14 consecutive hours, including the interval between 8 p.m. and 8 a.m. (or 12 hours, including the interval between 8.30 p.m. and 6 a.m., where local conditions require) ; and (b) of children over 14 years of age who need no longer attend school and young persons less than 18 years old, during at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m. (or 11 p.m. and 7 a.m. in exceptional circumstances). The night period may be shorter (with compensatory daytime rests) in tropical climates.

Exceptions : The prohibition of night work may be waived, by licences delivered in specified conditions, to enable young persons at least 16 years old to undergo vocational training

and children or young persons less than 18 years old to perform before midnight as entertainers or cinema actors. It may be suspended, for persons 16 years old and over, during national emergencies. National laws may exempt the application of the Convention to domestic service in private households and employment on work which is not harmful to children.

Prior Consultation : Employers' and workers' organisations must be consulted before an interval between 11 p.m. and 7 a.m. is introduced.

Enforcement : National legislation must provide for inspection, supervision (including the identification and supervision of young persons employed in itinerant trades or public places) and penalties ; employers must keep records of persons under 18 years of age employed by them.

Current Status : The instrument is of current interest. 16 States have ratified the Convention.

RECOMMENDATIONS :

C. R. 1—*Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14)*

The Recommendation requires the member States to regulate night work of children below 14 years in agricultural undertakings, in such a way as to provide a minimum period of rest of 10 consecutive hours. For persons between the ages of 14 and 18 years, the instrument envisages a minimum rest period of 9 consecutive hours.

Observation : It is the only instrument dealing specifically with night work of young persons in agriculture. However, the provision relating to children under 14 years, has been superseded by Minimum Age Recommendation, 1973 (No. 146). Further, relating to persons above 14 and below 18 years, the rest period of nine hours seem to be inadequate, compared to a minimum of 12 hours envisaged in Convention Nos. 79 and 90. Therefore, the question of new standards on light work of young persons in agriculture merits examination.

C. R. 2—*Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80)*

This is supplementary to Convention No. 79 and requires extension of the provisions of the Convention to commercial establishments, posts and telecommunications services, administrative services involving clerical work, newspaper undertakings, hotels, destitute homes, theatres, itinerant trading and all other jobs which are neither industrial nor agricultural nor maritime. It requires measures to be adopted to restrict the night work of children and young persons under 18 years of age engaged in domestic services and lays down conditions for issue of licences for children and young persons to work in night as entertainers or cinema actors. It suggests inclusion of women inspectors for better enforcement of regulations protecting young workers and elaborates details of supervision relating to itinerant workers. The Recommendation seeks to hold employers and parents responsible under prescribed circumstances, for violations of the law or regulations.

D. UNDERGROUND WORK

CONVENTIONS: Nil

RECOMMENDATIONS:

D. R. 1—*Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)*

The Recommendation is intended to complement existing international instruments relating to the employment of young persons underground in mines and quarries. It lays down standards and prescribes measures relating to health, safety and welfare (training and instruction; special occupational safety and health measures for young workers; recreation, hygiene and diet); weekly rest (minimum) and annual holidays with pay (not less than 24 working days for 12 months of service) of workers under 18 years of age; and vocational and technical training and further education. The Recommendation requires the competent authority to consult the organisations of employers and workers in formulating the policies and framing regulations relating to implementation.

II

EMPLOYMENT OF WOMEN

In September, 1901, almost 75 years back, the International Association for Labour Legislation, in its first meeting held at Basel directed its office to make enquiries into the position as regards the employment of women at night, the effect of such employment in the various countries, and the results of prohibition in the industries in which it was in force. The outcome of the enquiry was the adoption of International Convention respecting the Prohibition of Night Work for Women in Industrial Employment. The threads were picked up by the ILO, which in the Preamble to its Constitution, affirmed the need for protection of women workers and adopted two Conventions in its first session itself (1919). Since then it has been incessantly evincing interest in the protection and promotion of rights of women workers.

The year 1975 was observed throughout the world as International Women's Year consequent upon the resolution of the General Assembly of the United Nations in 1972, with a view to promoting equality between men and women and to integrating of women in the total development effort. The ILO on its part included a discussion of "Equality of Opportunity and Treatment for Women Workers" in the agenda of the Conference held in June 1975. The Conference adopted 2 resolutions and declared :

All measures shall be taken to guarantee women's right to work as the inalienable right of every human being and to revise, as necessary, existing laws, collective agreements, practices or customs which limit the integration of women in the work force on a footing of equality with men.

The ILO has been championing the cause of women workers since its inception and reaffirming the principle that the needs and problems of women should be dealt with in the same general framework as those of men.

Six Conventions and Four Recommendations have been adopted on this subject. They are :

- | | |
|-------------------------|--|
| A. General Conditions | —1 Recommendation. |
| B. Maternity Protection | —2 Conventions and
2 Recommendations. |
| C. Night Work | —3 Conventions and
1 Recommendation. |
| D. Underground Work | —1 Convention. |

A. GENERAL CONDITIONS

CONVENTIONS : Nil

RECOMMENDATIONS :

A. R. 1—*Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123)*

The Recommendation requires member States to take steps that would facilitate the entry or re-entry of women with family responsibilities into the labour force. Towards this end, the competent authorities, acting in co-operation with employers' and workers' organisations and other bodies, should in particular encourage research into and public understanding of the problems involved, with a view to developing appropriate community policies ; ascertain the need for child-care facilities and to ensure that these needs are met through sources operated on agreed standards and under public supervision. The Recommendation stresses the need for measures to ensure non-discrimination in the education and training of boys and girls and to encourage girls to prepare for their future work lives. To facilitate re-entry into employment, provisions are to be made for counselling, employment information services, and training and re-training facilities. The instrument envisages granting of additional period of leave after maternity leave for women who do not want to return to work immediately. The Recommendation calls attention to matters which have particular relevance for women with family responsibilities, such as harmonisation of working hours and hours of school and child-care services and the provision at low cost of the facilities needed to simplify and lighten household tasks.

B. MATERNITY PROTECTION

CONVENTIONS :

B. C. 1—*Maternity Protection Convention, 1919 (No. 3)* ;

AND

B. C. 2—*Maternity Protection Convention (Revised), 1952 (No. 103)*

Scope : Convention No. 3 : Public or private industrial or commercial undertakings.

Convention No. 103 : Industrial undertakings and non-industrial and agricultural occupations, including home workers and domestic servants.

Object : The Conventions aim to secure to women workers a substantial period of leave, with subsistence and medical benefits, before and after confinement, and safeguard their continued employment.

Theme : Both the Conventions provide for 12 weeks' maternity leave. While Convention No. 3 provides for 6 weeks' leave before the medically predicted confinement date and 6 weeks' compulsory leave following confinement, Convention No. 103 states that a total of at least 12 weeks' leave must be granted, at least half of which to be taken after confinement. The two Conventions allow for extension of leave in the event of delayed confinement, protect the worker from dismissal during absence arising out of pregnancy or confinement or illness attributable to them, and provide for nursing breaks during working hours. Both instruments make provision for cash benefits for the maintenance of the worker, and her child, during maternity leave. As to medical benefits, Convention No. 3 provides for free attendance by a doctor or midwife, while Convention No. 103 defines them as including prenatal, confinement and postnatal care, and hospitalisation where necessary. Benefits must be met either by compulsory insurance or from public funds and must on no account be paid directly by the employer.

Exceptions : In ratifying Convention No. 103, States may temporarily exclude workers in certain non-industrial occupations, agriculture, domestic and home work or maritime transport from its provisions.

Prior Consultation : Convention No. 103 provides that in interpreting its scope, the competent national authority must consult employers' and workers' organisations.

Current Status : Although Convention No. 3 is revised by Convention No. 103, it is still open to ratification. 28 States have ratified the Convention. 16 States have ratified Convention No. 103.

RECOMMENDATIONS :

B. R. 1—*Maternity Protection (Agriculture) Recommendation, 1921 (No. 12)*

AND

B. R. 2—*Maternity Protection Recommendation, 1952 (No. 95)*

Recommendation No. 12 has been *superseded* by Convention No. 103.

Recommendation No. 95 is supplementary to Convention No. 103. It suggests possible improvements, on the protection provided under the Convention, e. g., the extension of maternity leave to a total of 14 weeks ; a higher rate of cash benefits ; more exclusive medical care ; benefits such as the provision of layettes and supply of milk ; nursing care facilities ; and, with some specified exceptions, employment security throughout the period of pregnancy. It also recommends the prohibition of the employment of pregnant women and young mothers on certain specified types of work prejudicial to their health ; and if ordinarily employed at work prejudicial to health they are entitled to transfer, without loss of pay, to lighter work.

C—NIGHT WORK

CONVENTIONS :

C. C. 1—*Night Work (Women) Convention, 1919 (No. 4) ;*

C. C. 2—*Night Work (Women) Convention (Revised), 1934 (No. 41) ;*

AND

C. C. 3—*Night Work (Women) Convention (Revised) 1948 (No. 89)*

Scope : Employment in industrial undertakings.

Object : The Conventions seek to eliminate night work by women.

Theme : All the 3 instruments prohibit night employment of women in any public or private industrial undertakings. According to Convention No. 4, 'night' signifies a period of 11 consecutive hours which must include interval between 10 p.m. to 5 a.m. . Convention No. 41 contain the same definition but adds a proviso enabling the competent authority to make the compulsory period of interval from 11 p.m. to 6 a.m. in exceptional circumstances. Convention No. 89 signifies the term night as a period of 11 consecutive hours including an interval period of at least 7 consecutive hours falling between 10 p.m. to 7 a.m.

Exceptions : All the Conventions provide for suspension of the prohibition in case of *force-majeure* or work with perishable raw materials ; reduction of the night period from 11 to 10 hours on 60 days per year in seasonal undertakings or exceptional circumstances, and regularly during the first three years of application in countries where night work by women was previously unregulated ; and shorter night periods (with compensatory day time rest) where the climate renders day work very tiring. Convention Nos. 41 and 89 do not apply to women in responsible management posts ; Convention No. 89 also excludes women in technical posts and non-manual workers in health and welfare services, and provides for its suspension during emergencies.

Prior Consultation ; The competent authority must consult employers' and workers' organisations before applying an interval between 11 p.m. and 6 a.m. (Convention No. 41) or beginning after 11 p.m. (Convention No. 89) to an industry, or before suspending the prohibition during emergencies (Convention No. 89).

Current Status : Conventions Nos. 4 and 41 have been revised. Convention No. 4 is open to ratification and 57 States have ratified it. Convention No. 41 is closed to further ratification and is in force for 36 ratifying States. Convention No. 89 is of current interest and has received 53 ratifications.

RECOMMENDATIONS :

C. R. 1 – *Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)*

The Recommendation requires the member States to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure them a period of rest compatible with their physical necessities and consisting of not less than 9 hours which shall, where possible, be consecutive.

Observation : The instrument is of limited value.

D. UNDERGROUND WORK

CONVENTIONS :

D. C. 1—*Underground Work (Women) Convention, 1935 (No. 45)*

Scope : All mines.

Object : It aims to regulate employment of women on underground work.

Theme : The Convention lays down that no female, whatever her age, should be employed on underground work at any time.

Exception : National legislation may exempt women in management posts and health and welfare services, students, and certain non-manual workers occasionally occupied underground.

Current Status : The Convention retains interest and has been ratified by 78 States.

RECOMMENDATIONS : Nil

ABSTRACT

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN
(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of Ratification received	Remarks
1.	5	Minimum Age (Industry)	1919	61	Since Revised
2.	59	Minimum Age (Industry) Revised	1937	32	Since Revised
3.	10	Minimum Age (Agriculture)	1921	41	Since Revised
4.	33	Minimum Age (Non-Industrial Employment)	1932	23	No longer open to ratification
5.	60	Minimum Age (Non-Industrial Employment) (Revised)	1937	11	Since Revised
6.	123	Minimum Age (Underground Work)	1965	35	Since Revised
7.	138	Minimum Age	1973	3	
8.	77	Medical Examination of Young Persons (Industry)	1946	28	
9.	78	Medical Examination of Young Persons (Non-Industrial Occupations)	1946	26	
10.	124	Medical Examination of Young Persons (Underground Work)			
11.	6	Night Work of Young Persons (Industry)	1965	28	
12.	90	Night Work of Young Persons (Industry) Revised	1919	52	Since Revised
13.	79	Night Work of Young Persons (Non Industrial Occupations)	1948	37	
14.	3	Maternity Protection	1946	16	
15.	103	Maternity Protection (Revised)	1919	28	Since Revised
16.	4	Night Work (Women)	1952	16	
17.	41	Night Work (Women) Revised	1919	57	Since Revised
18.	89	Night Work (Women) Revised	1934	36	No longer open to ratification
19.	45	Underground Work (Women)	1948	53	
			1935	78	

RECOMMENDATIONS :

Sr. No.	Recom- menda- tion number	Title	Year of adoption
1.	41	Minimum Age (Non-Industrial Employment)	1932
2.	52	Minimum Age (Family Undertakings)	1937
3.	96	Minimum Age (Coal Mines)	1953
4.	124	Minimum Age (Underground Work)	1965
5.	146	Minimum Age	1973
6.	79	Medical Examination of Young Persons	1946
7.	14	Night Work of Children and Young Persons (Agriculture)	1921
8.	80	Night Work of Young Persons (Non-Industrial Occupations)	1946
9.	125	Condition of Employment of Young Persons (Underground Work)	1965
10.	123	Employment (Women with Family Responsibilities)	1965
11.	12	Maternity Protection (Agriculture)	1921
12.	95	Maternity Protection	1952
13.	13	Night Work of Women (Agriculture)	1921

CHAPTER—VII

INDUSTRIAL SAFETY, HEALTH AND WELFARE

PROTECTION OF workers against injury arising out of their employment is instanced by the Preamble to the Constitution of the International Labour Organisation as one of the improvements in industrial conditions which are urgently required. Industrial accidents not only cause suffering and distress among workers and their families, but also represent an important material loss to society in general.

Occupational accidents and diseases not only continue to take a heavy toll but also represent a heavy loss of production and a heavy charge on social services, throughout the world. The introduction of new processes, substances and equipment in the production process as a result of technological change may have eliminated certain hazards, but has also created new ones, and the harmful or toxic effects of these innovations are often passed on to the general environment. Another disquieting feature has been the absence of application of ergonomic principles as an important means of adapting the working environment to man. The use of increasingly complex machinery and equipment has been shown to tax the capacity of operators to a critical extent, calling for a much closer collaboration between engineers, industrial physicians and psychologists, the public authorities and employers and workers.

The Director General had also recently emphasised the need for formal international labour standards providing general guidance for the legislative and administrative framework for occupational health and accident prevention and for the improvement of the working environment, and reported that the Governing Body is expected to give high priority to the placing on the Conference agenda in 1976 an item relating to the working environment which could lead to the adoption of one or more instruments of this nature.

Adaptation to new environments would also warrant a

revision and up-dating of the ILO's Model Code of Safety Regulations for Industrial Establishments and the preparation of codes of practice which should be regularly up-dated in the light of new developments in methods to protect and improve the industrial and working environment.

In all 12 Conventions and 21 Recommendations have been adopted in this field. They refer to :

- | | |
|-------------------------|--|
| A. General Provisions | —3 Recommendations. |
| B. Building Industry | —1 Convention and
1 Recommendation. |
| C. Dock Work | —4 Conventions and
4 Recommendations. |
| D. Commerce and Offices | —1 Convention and
1 Recommendation. |
| E. Machinery | — 1 Convention and
2 Recommendations. |
| F. Maximum Weight | —1 Convention and
1 Recommendation. |
| G. Toxic Substances | —4 Conventions and
6 Recommendations. |
| H. Welfare | —3 Recommendations. |

Possible Subjects for New Standards.

A—GENERAL PROVISIONS

CONVENTIONS: Nil

RECOMMENDATIONS :

- A. R. 1—*Prevention of Industrial Accidents Recommendation*,
1929 (No. 31)

The Recommendation applies to workers in industrial (including mines, quarries, manufacturing, construction and transport industries) and (allowing for the special conditions obtaining there) agricultural undertakings. It envisages a variety of measures intended to promote occupational safety, including: the collection, study, international exchange and communication to the ILO by member States of data on industrial accidents; co-operation between State inspection services and employers' and workers' organisations, and by accident

insurance institutions including periodic conferences to consider and review incidence and gravity of accidents, and the formulation of proposals for further improvement. The instrument calls for establishment of works safety committees and appointment of a safety inspector for the works alongwith arrangements for systematic supervision of the works, machinery and plant for ensuring safety. It requires measures to be adopted to awaken and maintain interests of workers in the prevention of accidents and prescribes adequate propaganda and education. It also envisages permanent safety exhibitions and inclusion in the school curricula, lessons designed to inculcate habits of carefulness. It provides for first-aid facilities and recommends legislation defining the duties of employers, workers and inspection services.

A. R. 2—*Protection of Workers' Health Recommendation, 1953 (No. 97)*

The purpose of this Recommendation is to secure the protection of the health and safety of workers in general at their places of employment. Towards this end it provides for various technical precautions at the workplace, affecting the environment. The employer should take appropriate measures to keep the work place clean and provide adequate space with proper lighting, ventilation and heating arrangements. Facilities for washing, sanitation, drinking water, changing and storing clothes must be provided alongwith suitable accommodation for taking meals. Efforts also are to be made to make processes harmless or less harmful ; to shield workers from radiation ; to protect them from noise and vibration and to provide protective clothing. The workers must be informed of the necessity for protective measures and consultation among labour inspectorate, employers and workers must be promoted. The Recommendation provides for free pre-employment and periodic medical examination of workers. It also requires notification of cases and suspected cases of occupational disease to the labour inspectorate or other authority concerned. The persons responsible for notifying such cases along with the manner in which it should be notified must be specified. Facilities for first-aid and emergency treat-

ment in case of accident, occupational disease, poisoning or indisposition should be provided in place of employment.

A. R. 3—*Occupational Health Services Recommendation, 1959 (No. 112)*

This Recommendation is designed to promote the health of workers through the organisation of occupational health services in places of employment. It defines the term 'occupational health service' and prescribes method of implementation ; organisation ; functions ; personnel and equipment ; and necessary conditions for performance of functions. It provides that the role of such services (which should be organised first for larger undertakings or those where special health risks exist, and may be attached to one or common to several undertakings) should be essentially preventive (surveillance of environmental hygiene, job analysis, pre-employment, periodic and special medical examinations of workers, emergency treatment, advice and education, training of first-aid personnel, keeping of records), and defines their rights and duties. In order to ensure efficient performance of the functions, the occupational health services should have free access to all workplaces (inspect the workplaces periodically ; have access to the information concerning the processes) ; and be authorised to undertake surveys and investigations on occupational health hazards. Responsible physicians must be specially trained and be fully independent of employers and workers ; the latter must not be charged for the services provided. When an occupational health service cannot be organised, arrangements should be made with a local physician or medical service to fulfil its role.

B. BUILDING INDUSTRY

CONVENTIONS :

B. C. 1—*Safety Provisions (Building) Convention, 1937 (No 62)*

Scope : Building industry workers.

Object : The Convention is designed to ensure the safety of scaffolding and hoisting machinery used in the building industry.

Theme : The Convention prescribes general rules as to scaffolds, hoisting appliances, and safety equipment and first aid. Suitable scaffolds are to be provided under the supervision of competent and responsible person, when work cannot otherwise be done safely. They must be made of sound material, be of adequate strength and properly maintained. It must be properly designed and constructed and should not be overloaded. The instrument provides for periodic inspection, safe access, fencing and precautions against falls, adequate lighting, and electrical safety. Rules relating to hoisting appliances include requirements concerning the determination, indication and observance of safe working loads, mechanical and electrical safeguards, testing and inspection, and qualification and age of operators. Personal safety equipment should be made available for use on the site and measures must be taken to ensure their use. Adequate equipment for rescue must be kept ready where there is a drowning risk and provision made for prompt first-aid treatment of all injuries.

Exceptions : The competent authority may exempt work deemed reasonably safe from the laws or regulations applying the Convention. It may also exempt such areas where it is impracticable to ensure the Convention either due to sparseness of population or the stage of economic development of the area.

Prior Consultation : Employers' and workers' organisations must be consulted before work is exempted.

Enforcement : Ratifying States must ensure, by suitable legislation, the application of the Convention, and where possible, of the model code annexed to the related Recommendation (No. 53). Employers must bring such legislation to the attention of workers ; persons responsible for compliance must be defined and penalties prescribed for violations.

Current Status : It is of continuing interest. 26 States have ratified the same.

RECOMMENDATIONS :

B, R. 1—*Safety Provisions (Building) Recommendation, 1937*
(No. 53)

This is supplementary to Convention No. 62. The Recommendation contains a 'Model Code' of regulations detailing the safe construction and use of scaffolds and hoisting appliances requires the member States to give the fullest effect possible and desirable to the provisions of, or provisions equivalent to the provisions of the 'Model Code'.

The Model Code dealt with the necessity, erection, and maintenance of scaffolds; quality, supply, storage, use and inspection of material; pole, gabbard and ladder scaffolds and their stability aspect; cantilever and bracket scaffolds; heavy suspended, light suspended and other suspended scaffolds; distribution of the load; installation of lifting gear on scaffolds; pre-examination and periodic inspection; working platforms, gang ways, runs and stairs; trestle scaffolds, ladders; fencings of openings and roof work.

Regarding hoisting appliances, the Code prescribes regulations for winches, crabs, and pulleys; suspension and attachment; cranes; examination of cranes certificates; derrick cranes, automatic safe load indicators and rules concerning crane operation; and hoists.

The Model Code also provides for safety, rescue and first-aid equipments; communication of regulations to workers; compliance of employers with the provisions; and co-operation of workers and other persons with the employer.

C. DOCK WORK

CONVENTIONS:

C. C. 1—*Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)*

Scope: Vessels for transport by sea or inland water way.

Object: The Convention aims at preventing accidents when heavy packages are transported by vessels. It requires the government of the country from which the package or object is consigned (government of the transit country is not responsible) to ensure that the exact or, in exceptional cases, the approximate weight of any item of goods weighing one metric ton or more is clearly marked thereon before the item is loaded on board for despatch by sea or inland waterway.

It is for the national law to determine whether the responsibility to mark the weight shall fall on the consignor or on some other person or body.

Current Status : It is of continuing interest. 51 States have ratified the Convention.

C. C. 2—*Protection against Accidents (Dockers) Convention, 1929 (No. 28)*

Convention No. 28 was revised by Convention No. 32 and is no longer open to ratification. It had received 4 ratifications.

C. C. 3—*Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)*

Scope : All ships, excluding war ships.

Object : Aims at protection of workers employed in loading or unloading of ships against accidents.

Theme : The Convention requires that any approach over a dock, wharf, quay or similar premises of transit should be maintained with due regard to the safety of the workers using them, and safe means of access must be provided when a ship is lying alongside a quay and when a worker has to proceed to or from a ship by water. Safety of workers must be ensured when engaged in removing or replacing hatch coverings and beams used for hatch coverings. It must also be ensured that hoisting machines and gear are in safe working condition, and lifting and transporting machineries are operated by reliable and competent persons. The instrument also envisages preventive regulations; first-aid provisions; and reciprocity between ratifying States.

Exceptions : Exception can be granted when the processes are only occasionally carried on, or the traffic is small and confined to small ships.

Enforcement : Persons responsible for compliance of regulations must be clearly defined; efficient system of inspection and penalties for violations must be provided for; regulations must be publicised.

Current Status : It is no longer adapted to present conditions and is in need for revision. The Governing Body is

already seized of the matter and Conference action is contemplated. 38 States have ratified the Convention.

C. C. 4—*Dock Work Convention, 1973 (No. 137)*

Scope : Dock Workers.

Object : Aims at securing social advantages of new methods of Cargo handling.

Theme : The Convention envisages that as far as practicable the national policy should aim at providing permanent or regular employment for dock workers. Depending on the economic and social situation of the country and the port concerned minimum period of employment or a minimum income must be assured to dock workers. Appropriate safety, health, welfare and vocational training provisions must be ensured to dock workers. There should be provision for registration of occupational categories of dock-workers, and for requiring them to be available for work in a manner determined by the national law or practice. Registered dock workers would be entitled to priority of engagement for dock work. The strength of the registers should be subjected to periodical review and any reduction in the strength of a register shall be accompanied by measures designed to minimise detrimental effects on dock workers. The provisions shall be enforced by legislation, collective agreement, arbitration awards or in such a manner as may be consistent with the national practice.

Prior Consultation : The organisations of employers and workers concerned should be consulted on, or otherwise participate in, the establishment and revisions of definition of 'dock workers' and 'dock work' ; and their cooperation sought in improving the efficiency of work in ports.

Current Status : The instrument is of continuing interest. 7 States have ratified the Convention.

RECOMMENDATIONS :

C. R. 1—*Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33)*

AND

C. R. 2—*Protection against Accident (Dockers) Reciprocity Recommendation, 1932 (No. 40)*

Recommendation No. 33 was *superseded* by the standards adopted in 1932, i.e., Convention No. 32 and Recommendation No. 40.

Recommendation No. 40 requires the Governments of the member States which have ratified the Convention No. 32 to confer with a view to finalising the 'reciprocity arrangements' envisaged in the Convention and to send a report annually to the ILO.

Observation: The revision of the Recommendation might be examined in conjunction with the revision of Convention No. 32.

C. R. 3—*Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34)*

This Recommendation supplements the Convention No. 28, concerning the protection against accidents of workers employed in loading or unloading ships. It urges the member States to consult the workers' and employers' associations concerned, if any, while formulating regulations for the protection of workers engaged in loading or unloading of ships against accidents.

Observation: The revision of this Recommendation might perhaps be examined in conjunction with the revision of Convention No. 32

C. R. 4—*Dock Work Recommendation, 1973 (No. 145)*

This is supplementary to Convention No. 137, and provides for a comprehensive assessment of the impact of changes in cargo-handling methods on employment opportunities, and to meet this end, for the collection of relevant information. The instrument envisages permanent or regular employment for dock workers and for guaranteed minimum periods of employment or income; maintenance of registers and the adjustment of the strength of the registers; a system of allocation in the absence of permanent or regular employment; labour-management relations including measures to be covered by agreements of employers and workers relating to improvement of efficiency of work in ports. The Recommendation also requires that the working conditions of dock workers should

not be less favourable than for the majority of workers in industrial undertakings and envisages safety, health, welfare and vocational training besides adequate and qualified inspection services. Appropriate provisions should be applied to occasional and to seasonal dock workers, to the extent practicable.

D. COMMERCE AND OFFICES

CONVENTIONS :

D. C. 1—*Hygiene (Commerce and Offices) Convention, 1964* (No. 120)

Scope : Workers in commercial and administrative establishments, and in similar services in industrial or agricultural undertakings.

Object : The Convention seeks to ensure healthy working conditions in shops and offices.

Theme : The Convention lays down general principles and requirements relating to cleanliness, ventilation, lighting, temperature and layout of premises and workplaces ; provision of drinking water and of sanitary, seating, clothes changes and first aid facilities ; appropriate standards of hygiene in underground premises ; and protection from harmful substances, noise and vibration.

Exceptions ; The competent authority may exclude classes of establishment or services where the application of the Convention would be inappropriate.

Prior Consultation : Employers' and workers' organisations must be consulted before decisions are taken regarding exclusion or in the matter of interpreting the scope of the Convention, and before legislation is passed applying its provisions, or those of the related Recommendation (No. 120).

Enforcement : Ratifying States must ensure, by suitable legislation, the application of the Convention, and where possible of the related Recommendation (No. 120). Compliance must be secured by inspection or otherwise, backed by appropriate penalties.

Current Status : 36 States have ratified the Convention. The instrument is of continuing interest and no further standards in this field are contemplated.

RECOMMENDATION :

D.R. 1—*Hygiene (Commerce and Offices) Recommendation, 1964*
(No. 120)

This is supplementary to Convention No. 120, and extends its coverage to establishments, institutions and administrative services providing personal services, postal and telecommunication services, newspapers and publishing undertakings, hotels and boarding houses, restaurants, theatres and public entertainment places. The instrument specifies details of measures to be adopted for ensuring healthy working conditions. It also refers to certain aspects not referred to directly in the Convention, such as methods and pace of work ; mess and rest rooms ; planning and construction of buildings ; prevention of infection ; instruction in hygiene measures and cooperation between authorities, employers and workers in the field of hygiene. The Recommendation envisages adequate inspection system and penalties for violations.

E—MACHINERY

CONVENTIONS :

E. C. 1—*Guarding of Machinery Convention, 1963* (No. 119)

Scope : General, unless the ratifying State specifies a more limited application.

Object : The Convention seeks to ensure the protection of workers using power-driven machinery from the hazards inherent therein.

Time : Ratifying States undertake to prohibit the sale or transfer (otherwise than for storage, scrapping or reconditioning), hire, exhibition and use of machinery the dangerous parts of which are not fitted with appropriate safety devices or guards. The prohibition does not extend to machinery made safe by its construction or installation, or which fails to comply only during maintenance, if this can be done safely. However, workers may not use guaranteed machinery with the guards removed or made inoperative. The competent authorities may determine whether machinery operated by manual power should also be covered. Road and rail vehicles, and

mobile agricultural machinery, are covered only as regards the safety of their operators or attendants.

Exceptions : Guards may be temporarily removed during demonstrations. Ratifying States may grant temporary exemptions, terminating at the latest three years after entry into force of the Convention.

Prior Consultation : The competent authority must consult employers' and workers' organisations in connection with declarations limiting the application of the Convention, temporary exceptions, and coverage of manually-powered machinery.

Enforcement : Suppliers (including manufacturers, vendors, lessors, exhibitors etc.) are responsible for ensuring compliance. Employers must bring the relevant legislation to the workers' notice, see to their safety training and maintain a safe working environment. Ratifying States must provide for inspection and penalties.

Current Status : The instrument remains of current interest and has received 33 ratifications.

RECOMMENDATIONS :

E. R. 1—*Power-driven Machinery Recommendation, 1929*
(No. 32) ;

AND

E. R. 2—*Guarding of Machinery Recommendation, 1963* (No. 118)

Recommendation No. 32 has been superseded by the instruments adopted in 1963, i. e., Convention No. 119 and Recommendation No. 118.

Recommendation No. 118 is supplementary to the Convention No. 119 and contains further technical provisions relating to the guarding of machinery. It also provides for conclusion of bilateral or multilateral agreements providing for mutual consultation and cooperation between States importing and exporting machinery. Such agreements must have regard to the relevant Model Codes of Safety Regulations and Codes of Practice published from time to time by the International Labour Office.

F—MAXIMUM WEIGHT

CONVENTIONS :

F. C. 1—*Maximum Weight Convention, 1967 (No. 127)*

Scope : General.

Object : The Convention aims at prescribing maximum permissible weight to be carried by one worker.

Theme : The Convention applies to regular manual transport loads and covers only those sectors of economic activity for which the member Country has a system of labour inspection. No worker should be required or permitted to carry a load heavy enough to endanger his health or safety. Workers carrying heavy loads must receive training or instructions in suitable working techniques with a view to safeguarding health and preventing accidents. The Convention envisages, where possible, use of technical devices to facilitate load carrying. The assignment of women and young workers to manual transport of loads, other than light loads, should also be limited and where they are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult male workers.

Prior Consultation : In taking steps to ensure the compliance of the provisions of the Convention, the representative organisations of employers and workers concerned must be consulted.

Enforcement : Member States should, by law or regulations or any other method consistent with national practice and conditions, take necessary steps for enforcement.

Current Status : It is of continuing interest. 17 States have ratified the Convention.

RECOMMENDATIONS :

F. R. 1—*Maximum Weight Recommendation, 1967 (No. 128)*

This is supplementary to Convention No. 127 and is broader in scope and applies to all sectors of economic activity. It requires that where the maximum permissible weight to be transported manually by one adult male worker is more than 55 Kgs. (121 lbs.) measures should be taken as speedily as possible to reduce it to that level. It recommends for adequate

training and instruction ; for medical examination for fitness ; for employment ; and for use of technical and convenient packaging. As far as possible adult women workers and young workers should not be assigned to regular manual transport of loads. During pregnancy, no woman should be assigned to manual transport of loads. The competent authority should actively promote scientific research, including ergonomic studies, concerning the manual transport of loads. Persons responsible for compliance of the provisions and authority responsible for supervision must be defined.

G—TOXIC SUBSTANCES

CONVENTIONS :

G. C. 1—*White Lead (Painting) Convention, 1921 (No. 13)*

Scope : Internal painting of buildings.

Object : The aim of this Convention is to prevent lead poisoning in painters.

Theme : The Convention prohibits the use of white lead or sulphate of lead or products containing these pigments in the internal painting of buildings, and the employment of males under 18 years and of all females in any industrial painting work involving such use, and lays down the precautions to be observed in operations for which their use is not prohibited, i.e. permitting the use in the form of paste only ; preventing dangers of spraying, rubbing and scraping ; providing washing facilities and ensuring wearing of overalls ; notification of lead poisoning ; and medical examination. Ratifying States must keep statistics of morbidity and mortality due to lead poisoning among painters.

Exceptions : The prohibition does not apply to artistic painting and may be waived in the case of railway stations and industrial establishments, and of the training of painters' apprentices.

Prior Consultation : Before waiving the prohibition of the use of white lead or sulphate or products containing these pigments or taking steps to enforce relevant regulations, the competent authority must consult the employers' and workers' organisations concerned.

Enforcement : Necessary steps must be taken by the competent authority to enforce the regulations after consulting employers' and workers' organisations.

Current Status : It is of current interest and 49 States have ratified the instrument.

G. C. 2—Radiation Protection Convention, 1960 (No. 115)

Scope : Work involving exposure to ionising radiations.

Object : The Convention seeks to ensure the effective protection of exposed workers.

Theme : Ratifying States undertake to adopt rules and measures to protect the health and safety of workers directly or incidentally exposed to ionising radiations. Appropriate maximum radiation dose level are to be fixed in the light of current knowledge for workers of 18 years of age and above, and for workers under 18 years, and the same should be periodically reviewed. Workers under 16 years should not be employed in work involving radiation exposure. Provision must be made for appropriate warnings, instruction to workers in precautions required, compulsory notification of radiation work, monitoring of workers and workplaces, and medical examinations. Ratifying States must inform the ILO of the manner in which and the categories of workers to which the Convention's provisions are applied.

Exceptions : The Convention does not apply to weak radiation sources which are exempted from its provisions by national legislation.

Prior Consultation : The competent authority must consult employers' and workers' organisations in applying the provisions of the Convention.

Enforcement : Ratifying States must provide inspection services or ensure that appropriate inspection is carried out.

Current Status : 31 States have ratified the Convention. Desirability of revision of the Convention and its supplementary Recommendation has been suggested.

G. C. 3—Benzene Convention, 1971 (No. 136)

Scope : Work involving benzene.

Objects : Aims at protecting workers against hazards arising from benzene.

Theme : The Convention applies to all activities involving exposure of workers to the aromatic hydrocarbon benzene C_6H_6 and to products the benzene content of which exceeds one per cent by volume. It does not, however, apply to production of benzene and its use for chemical synthesis, in motor fuel and in analytical or research work carried out in laboratories. It allows temporary derogations, under conditions and within limits, to be determined in consultation with employers' and workers' organisations. It envisages use of less harmful substitute products of benzene; and prohibits the use of benzene and products containing benzene in certain work processes; maximum concentration of benzene in the air of the places of employment should not exceed 25 parts per million—(80 mg/m³). It prescribes that the work processes involving benzene or its products should be carried out in an enclosed system, as far as practicable. Provision of adequate means to remove benzene vapours and personal protection against the risks of absorption of benzene through the skin and inhalation, should be ensured. The Convention provides for pre-employment and periodic medical examination; prohibits employment of pregnant women, nursing mothers and young persons under the age 18 (except those undergoing education or training and who are under adequate and technical and medical supervision) in work processes involving exposure to benzene. The word "Benzene" and the necessary danger symbols should be clearly visible on any container holding benzene or its products. Instructions on measures to safeguard health and prevent accidents must be given to workers.

Prior Consultation : The competent authority should consult the most representative organisations of employers and workers concerned, to determine the conditions and limits of time and for allowing temporary derogations from the percentage clause.

Enforcement : The member States are required to provide appropriate inspection services or ensure appropriate inspection and person or persons on whom the obligation of compliance rests, should be specified.

Current Status : It is of current interest and 14 States have ratified it.

G. C. 4—Occupational Cancer Convention. 1974 (No. 139)

Scope : Work processes involving carcinogenic substances.

Object : Aims at protecting against carcinogenic substances or agents.

Theme : Ratifying member States are required to determine periodically the carcinogenic substances and agents to which occupational exposure shall be prohibited or made subject to authorisation or control. It envisages substitution of carcinogenic substances, by less harmful substances, to the extent possible ; to reduce the number of workers exposed to these substances ; to prescribe protective measures ; to take steps to inform the workers of the danger and how it should be avoided ; and to monitor exposed workers' health so as to judge the success of the prevention efforts. The Convention calls upon the authorities determining the carcinogenic substances to keep in view the latest information available through ILO and other safety guides.

Exceptions : Exemption from prohibition may only be granted by issue of a certificate specifying in each case the conditions to be met.

Prior Consultation : The most representative organisations of employers and workers concerned must be consulted in formulating steps through law or regulation—to give effect to the provisions of the Convention.

Enforcement : Member States should provide appropriate inspection services or ensure appropriate inspection and specify the persons responsible for compliance.

Current Status : It is the latest standard on the subject and 3 ratifications have been registered.

RECOMMENDATIONS :

G. R. 1—Anthrax Prevention Recommendation, 1919 (No. 3)

The purpose of the Recommendation is to protect wool industry workers from the danger of anthrax infection. It calls for the disinfection of wool infected with anthrax spores,

either in the exporting country or, failing that, at the port of entry of the importing country.

G. R. 2—*Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)*

The Recommendation seeks to protect women and young workers less than 18 years old from the risk of lead poisoning. It advises against their employment in certain processes involving reduction, melting or manipulation (furnace work, manufacture of certain lead solders, alloys and compounds), and subjects it to certain conditions in processes involving the use of lead compounds; exhaust ventilation; hygienic precautions; provision of protective clothing; notification and compensation of lead poisoning cases; periodic medical examination; provision of sufficient and suitable cloak room; and prohibition of bringing food or drink in work rooms. Where soluble lead compounds can be replaced by non-toxic substances, their use should be strictly regulated. Lead compound is considered soluble if it contains more than 5% of its weight (estimated as metallic lead) soluble in a quarter of one per cent solution of hydrochloric acid.

G. R. 3—*White Phosphorus Recommendation, 1919 (No. 6)*

The Recommendation calls on member States of the ILO to adhere to the Berne Convention adopted in 1906, on the prohibition of the use of white phosphorus in the manufacture of matches.

Observation: Its force is now spent and is not of current interest.

G. R. 4—*Radiation Protection Recommendation, 1960 (No. 114)*

The instrument which is supplementary to Convention No. 115 applies to all activities involving exposure of workers to ionising radiations in the course of their work except weak radiation sources. It provides that maximum dose levels referred to in Articles 6, 7 and 8 of the Convention should not be exceeded and while fixing the dose level, due regard must be given to recommendations of International Commission on Radiological Protection. The Recommendation requires

appointment of competent person to deal with questions of protection against ionising radiation and prescribes in detail the methods of protection. It also envisages monitoring of work and work places ; medical examination ; inspection ; and notification. Efforts should be made by both the employers and the workers to secure the closest co-operation in carrying out measures for protection against ionising radiations.

G. R. 5—*Benzene Recommendation, 1971 (No 144)*

This is supplementary to Convention No. 136 and lists a number of measures for prevention of hazards, and occupational hygiene and medical measures for protection of workers. Member States are required to take appropriate steps to provide workers exposed to benzene or its products training and instructions, at the employer's expense, on measures to safeguard health and prevent accidents ; and for appropriate action in case there was any evidence of poisoning. The instrument contains details regarding containers for benzene both as regards their construction and labelling and provides guidance on policy, legislation and practice. It also envisages promotion of research into harmless or less harmful products which could replace benzene and annual publication of data relating to cases of benzene poisoning.

G. R. 6—*Occupational Cancer Recommendation, 1974 (No. 147)*

This is supplementary to Convention No. 139 and sets out the ways in which the principles incorporated in the Convention No. 139 are to be put into practice. It elaborates the preventive measures to be adopted and requires the competent authority to establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate specify levels as indicators for surveillance of the working environment in connection with the technical preventive measures required. It details the procedure for supervision of health of workers and calls for establishment and maintenance of a system for the prevention and control of occupational cancer. It also envisages promotion of collection and dissemination of information relevant to

occupational cancer risks. It calls for consultation with the organisations of employers and workers, in applying the provisions of this instrument ; requires provision of appropriate inspection services ; and defining persons or bodies responsible for compliance.

H—WELFARE

CONVENTIONS : Nil.

RECOMMENDATIONS :

H. R. 1—*Living-in Conventions (Agriculture) Recommendation, 1921 (No. 16)*

AND

H. R. 2—*Workers' Housings Recommendation, 1961 (No. 115)*

Recommendation No. 16 has been superseded by the more comprehensive standards of Recommendation No. 115.

Recommendation No. 115 applies to the housing of manual and non-manual workers, including those who are self-employed and aged, retired or physically handicapped persons and requires the national housing policy to be designed so as to provide adequate housing, at a reasonable cost to the workers and their families. Its provisions are embodied in a series of general principles, supplemented by suggestions concerning practical methods of application. The questions dealt with include : objectives of national housing policy ; responsibility of public authorities ; housing provided by employers ; financing ; housing standards ; special schemes in developing countries ; promotion of efficiency and employment stabilisation in the building industry ; rent policy ; and town, country and regional planning.

H. R. 3—*Welfare Facilities Recommendation, 1956 (No. 102)*

The Recommendation applies to manual and non-manual workers employed in public or private undertakings, excluding workers in agriculture and sea transport. It defines principles and establishes standards relating to feeding facilities in or near the undertaking ; rest facilities in or near the undertaking and recreational facilities excluding holiday facilities ;

and transport facilities to and from work where ordinary public transport is inadequate or impracticable. It covers canteens, buffet and trolley services, and mess rooms ; seats and rest rooms ; organisation, financing and management of feeding and recreation facilities (premises and installations to be financed by employer, food to be charged to workers at reasonable prices and without profit to employer) ; and transport (parking facilities, adjustments in public transport services and working hours, transport or compensation provided by the undertaking, remote areas, shift workers). The facilities provided in this instrument can be ensured through legislation or collective agreement or in any other manner approved by the competent authority after consultation with employers' and workers' organisation.

POSSIBLE SUBJECTS FOR NEW STANDARDS.

The following are some of the subjects for adoption of new standards :

1. Working environment :
2. Control of atmospheric pollution in the working environment.
3. Control of noise and vibration.
4. Air pressure.
5. Application of the principles of ergonomics to the organisation and methods of work.
6. Prevention of psychosomatic disorders and mental stress due to the pace and monotony of work.
7. Safe use of asbestos.

ABSTRACT

INDUSTRIAL SAFETY, HEALTH AND WELFARE
 • (CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications Received	Remarks
1.	62	Safety Provisions (Building)	1937	29	
2.	27	Marking of Weight (Packages transported by Vessels)	1929	51	
3.	28	Protection against Accidents (Dockers)	1929	4	No longer open to ratification
4.	32	Protection against Accidents (Dockers) Revised	1932	38	
5.	137	Dock Work	1973	7	
6.	120	Hygiene (Commerce and Offices)	1964	36	
7.	119	Guarding of Machinery	1963	33	
8.	127	Maximum Weight	1967	17	
9.	13	White Lead (Painting)	1921	49	
10.	115	Radiation Protection	1960	31	
11.	136	Benzene	1971	14	
12-	139	Occupational Cancer	1974	3	

RECOMMENDATIONS :

Sr. No.	Recommendation number	Title	Year of adoption
1.	31	Prevention of Industrial Accidents	1929
2.	97	Protection of Workers' Health	1953
3.	112	Occupational Health Services	1959
4.	53	Safety Provisions (Building)	1937
5.	33	Protection against Accidents (Dockers) Reciprocity	1929
6.	40	Protection against Accidents (Dockers) Reciprocity	1932
7.	34	Protection against Accidents (Dockers) Consultation of Organisations	1929
8.	145	Dock Work	1973
9.	120	Hygiene (Commerce and Offices)	1964
10.	32	Power-driven Machinery	1929
11.	118	Guarding of Machinery	1963
12.	128	Maximum Weight	1967
13.	3	Anthrax Prevention	1919
14.	4	Lead Poisoning (Women and Children)	1919
15.	6	White Phosphorus	1919
16.	114	Radiation Protection	1960
17.	144	Benzene	1971
18.	147	Occupational Cancer	1974
19.	16	Living-in Conditions (Agriculture)	1921
20.	115	Workers' Housing	1961
21.	102	Welfare Facilities	1956

CHAPTER VIII

SOCIAL SECURITY AND SOCIAL POLICY

I

SOCIAL SECURITY

IN THE PRESENT world a sound system of social security is not only indispensable for social progress but also constitutes an important element in economic stability and development. In fact, it is considered as an index of the measure of the progress made by a country towards the ideal of a Welfare State. Fear of insecurity in the event of sickness, old-age, invalidity, maternity and unemployment has been a source of constant concern since the very early days of human civilisation. The fear has been more genuine with the poorer sections of the society, i. e. the wage earners. Social Security is perhaps, the most appropriate mechanism by which society ensures that misfortune will not destroy the individual or his family should he suffer an interruption or cessation of his earning capacities.

ILO's work in the field of social security has been pioneering. Since its inception the ILO has been constantly engaged in formulating standards with a view to extending social security benefits to larger sections of people in greater number of contingencies. The Philadelphia Declaration recognises the solemn obligation of the ILO to further among nations of the world programmes which will achieve *inter alia* "the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care". Co-ordination of social security legislation among countries has been a major concern of the ILO. It has been working with other international and inter-governmental organisations in the social security field. The International Labour Office serves as the secretariat of the *International Social Security Association*, which groups together government services as well as Central institutions and national unions for social security of a hundred countries.

Since 1964, the ILO has been engaged in a vast programme to bring the pre-war Conventions up to date and the work is not complete. Incessant efforts are continued to be made to keep the ILO's social security standards abreast of the most recent trends and developments, especially in the promotion of the extension of social security coverage to the lowest paid workers and to non-wage-earning rural workers and the self-employed.

In all 22 Conventions, and 16 Recommendations have been adopted on the subject and they are classified as under :—

- A. Instruments of General Scope—
2 Conventions and 2 Recommendations.
- B. Medical Care and Sickness Benefit—
3 Conventions and 4 Recommendations.
- C. Maternity Benefit—
2 Conventions and 2 Recommendations (Dealt with in Chapter on "Employment of Women")
- D. Invalidity, Old-Age and Survivor's Benefit—
8 Conventions and 2 Recommendations.
- E. Employment Injury Benefit—
6 Conventions and 5 Recommendations.
- F. Unemployment Benefit—
1 Convention and 1 Recommendation.

As the standards relating to Maternity Benefit are dealt with under 'Employment of Women', the summaries relate to 20 Conventions and 14 Recommendations only.

A. INSTRUMENTS OF GENERAL SCOPE

CONVENTIONS :

A.C. 1—*Social Security (Minimum Standards) Convention, 1952 (No. 102)*

Scope : General (seafarers are excluded).

Object : The Convention consolidates the main provisions of previous ILO instruments in this field and establishes minimum standards for nine fundamental branches of social security.

Theme : The Convention lays down minimum standards in respect of benefits relating to ; medical care (Part II), sickness (Part III), unemployment (Part IV), old-age (Part V), employment injury (Part VI), family (Part VII), maternity (Part VIII), invalidity (Part IX) and survivors' benefit (Part X). The Convention permits partial ratification. Ratifying States must secure at least 3 benefits out of the 9 referred to above, including at least one of Parts IV, V, VI, IX and X. The persons protected should comprise either (a) prescribed classes of employees, constituting not less than 50 per cent of all employees ; or (b) prescribed classes of the economically active population constituting not less than 20 per cent of all residents (except Part IV and VI) or (c) prescribed classes of residents constituting at least 50 per cent of all residents (Part II), or whose means do not exceed prescribed limits (Parts III, IV, V, IX, X). Families of beneficiaries are also covered in many cases. Benefits (other than medical benefit) must be periodical payments granted throughout the contingency. It is calculated as a percentage of either the beneficiary's previous earnings or the wages of an ordinary male labourer, in case of alternative (a) and (b) ; and in case of alternative (c), at a rate sufficient to maintain the family in health and decency, the total of benefit plus any other resources not being less than a given percentage of the wages of an ordinary male labourer. The instrument indicates the manner of calculation and applicable limits (a special formula is applied to family allowances, which may also comprise benefit in kind). Equality of treatment of non-national and national residents must be ensured, save as regards payments from public funds or transitional schemes. Benefits may be subject to a qualifying period, and may be suspended in specified circumstances. Contributions from employees must not exceed 50 per cent of total resources allocated.

Exceptions : States with insufficient economic and medical facilities may avail themselves of temporary relief from certain provisions.

Prior Consultation : When the responsible institutions are not State-administered, representatives of protected persons

should, and representatives of employers and authorities may, participate in their management.

Enforcement : Claimants must have a right of appeal in case of refusal of or dissatisfaction with benefits.

Current Status : 26 States have ratified the Convention and it is likely to retain its value for considerable time to come, as the higher standards envisaged in subsequent Conventions (Nos. 121, 128, 130) may not be attainable by all States ratifying the Convention No. 102. Also unemployment benefit and family benefit contained in the Convention have not yet been the subject of further Conventions.

A.C. 2—Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Scope : General.

Object : The Convention is designed to secure equal treatment of nationals and non-nationals (including refugees and stateless persons) in the matter of social security (special schemes for public servants and war victims, and public assistance, are excluded).

Theme : The Convention is open to ratification in respect of one or more of the branches of social security covered. Ratifying States should grant to nationals of any other ratifying States equality of treatment with their nationals, as regards coverage and right to benefits, in respect of either medical care, sickness, maternity, invalidity, old-age, survivors' employment or family benefits, or any combination of these branches, save where the other State has legislation in the branch but does not apply equal treatment to nationals of the first State. Survivors are entitled to equal treatment regardless of nationality. Equal treatment must in principle be granted regardless of residence, on condition of reciprocity, except that a maximum period (specified) of residence within the State granting benefit may be required in the case of maternity, unemployment, survivors' and old-age benefits. States accepting obligations concerning these branches must guarantee payment abroad of invalidity, old-age, survivors' and employment injury benefits as well as death grants. Similarly, States accepting obligations concerning family benefit must grant the

benefit in respect of children residing within other such States, under certain conditions to their own nationals and those of the latter on certain conditions. Special measures may be taken with respect to transitional schemes and to prevent cumulation of benefits. Ratifying States must endeavour to participate in schemes for the maintenance of acquired rights and rights in course of acquisition of nationals of other such States in the applicable branches and must assist each other in administering the Convention.

Exceptions : Members may enter into agreements between themselves in derogation of the Convention, provided that equally favourable provision is made for maintenance of rights in course of acquisition and acquired rights.

Current Status : The instrument is of current value and 30 States have ratified the same.

RECOMMENDATIONS :

A. R. 1—*Income Security Recommendation, 1944 (No. 67)*

The Recommendation formulates general principles to be followed by States in developing income security schemes designed to relieve want and prevent destitution among employed persons and their dependants. After stating that such schemes should be founded on compulsory social insurance, supplemented as necessary by assistance measures, the Recommendation considers the contingencies to be covered, including sickness, maternity, invalidity, old-age, death of the breadwinner, unemployment, emergency expenses and employment injuries. Other provisions deal with scope (both wage earners and self-employed persons should be covered), administration and planning, and type of benefits to be provided. Suggestions for the application of these guiding principles are given in an annexure to the Recommendation.

Observation : Although the provisions of this Recommendation have been developed in subsequent instruments on social security, the comprehensive approach to income security embodied in this instrument retains definite interest.

A. R. 2—*Social Security (Armed Forces) Recommendation, 1944 (No. 68)*

The Recommendation requires the member States to ensure that persons discharged from the armed forces and assimilated services receive on their discharge a special grant, proportionate to length of service and be treated under unemployment insurance schemes. The instrument also requires the periods of service in the armed forces and assimilated services to be reckoned as contribution period for determining the minimum qualifying period under compulsory insurance scheme ; and for the purpose of increasing rate of pension.

Observation : Though this instrument has been adopted in the context of conditions following the Second World War, it is considered relevant for other cases of armed conflict.

B. MEDICAL CARE AND SICKNESS BENEFIT

CONVENTIONS :

B.C.1—*Sickness Insurance (Industry) Convention, 1927*
(No. 24) ;

AND

B.C.2—*Sickness Insurance (Agriculture) Convention, 1927*
(No. 25)

Scope : Convention No. 24 : Manual and non-manual worker, including apprentices, employed by industrial and commercial undertakings, outworkers and domestic servants.

Convention No. 25 : Manual and non-manual workers, including apprentices, employed by agricultural undertakings.

Object : The Conventions seek to establish minimum standards for compulsory sickness insurance.

Theme : Ratifying States undertake to set up a system of compulsory sickness insurance, administered either by a non-profit making institution supervised or approved by the public authority, or, where this is impracticable, by the State, financed by contributions from insured persons, their employers and possibly the competent authority, and providing for the payment of a cash benefit to persons incapacitated for work by sickness, during at least the first 26 weeks of incapacity. Such persons are also entitled to receive, and their dependants may

be granted, free medical benefit as from the start of the incapacity, including treatment, medicines and appliances, towards the cost of which they may however be required to contribute. Entitlement to benefit may be subject to a qualifying period and to a waiting period of not more than 3 days, and benefit may be withheld in specified circumstances.

Exceptions : Exceptions may be made for certain special categories of workers.

Prior Consultation : Insured persons must participate in the management of insurance institutions.

Enforcement : Insured persons must have a right of appeal in case of disputes concerning entitlement to benefit.

Current Status : The Conventions have been revised by Convention No. 130. However, they remain in force respectively for 22 and 17 States, who have ratified them and to that extent they retain value. The Conventions are open to ratification.

B. C. 3—Medical Care and Sickness Benefits Convention, 1969 (No. 130)

Scope : General.

Object : The Convention regulates the protection of workers in respect of entitlement to medical care of a curative and preventive nature and compensation for loss of earnings through sickness.

Theme : Ratifying States should secure the provision of medical care and sickness benefit either to (a) all employees, or to prescribed classes of persons constituting at least (b) 75 per cent of the economically active population, or (c) 75 per cent of all residents. Medical care must also be extended to wives and children of persons covered under (a) or (b), and must include, in particular, hospitalisation, pharmaceutical and surgical supplies, and dental treatment. Sickness benefit must be a periodical payment and be reckoned, as regards alternatives (a) and (b) as a percentage of either the beneficiary's total previous earnings or the wage of an ordinary male labourer and as regards alternative (c), at a rate sufficient to maintain the beneficiary's family in health and decency the total of benefit plus any other resources not being less than a given per-

tage of the wages of an ordinary male labourer ; the manner of calculation and applicable limits are indicated. A funeral benefit is also payable. Benefits must be available equally to nationals and non-nationals and must continue throughout the contingency ; they may be subject to a qualifying period (and in the case of sickness benefit, to a three days waiting period and limit of fifty two weeks), and may be suspended in specified circumstances. The rate of cash benefits payable to the standard beneficiary (man with a wife and two children) should not be less than 60% of the earnings of the class of employees to which the beneficiary belongs.

Exceptions : For States with insufficient economic and medical facilities a restricted coverage of 25% of all employees or not less than 50% of all employees in industrial undertakings is permitted ; States where the requirements of the Convention are over-fulfilled may make temporary unessential derogations.

Prior Consultation : Employers' and workers' representatives should (and representatives of authorities may) participate in the management of institutions not run by the State, and should be consulted before any temporary derogations are decided.

Enforcement : Claimants must have a right of appeal in case of refusal of or dissatisfaction with benefits.

Current Status : It is of current value and 8 States have ratified the Convention.

RECOMMENDATIONS :

B. R. 1—*Social Insurance (Agriculture) Recommendation, 1921 (No. 17)*

AND

B. R. 2—*Sickness Insurance Recommendation, 1927 (No. 29)*

Both these Recommendations have been *superseded* by the more recent standards adopted in 1969, i. e., Convention No. 130 and Recommendation No. 134.

B. R. 3—*Medical Care Recommendation, 1944 (No. 69)*

The Recommendation spells out the concept of medical care as a guarantee for all members of the community,

whether gainfully occupied or not, deriving from every person's right to health. It lays down general principles to be followed by States in developing medical care services, as well as detailed provisions concerning the organisation and administration of such services. The aspects dealt with include essential features and form of service (social insurance or public service); scope (measures to secure universal coverage); range, organisation and quality of service (provision of complete care, collaboration with general health services, choice of doctor, working conditions, status and qualification of doctors and dentists); collective financing by insurance contributions or taxation; supervision and administration of service (central and local administration, representation of beneficiaries and of medical profession, right of appeal).

Observation : It retains its importance as a doctrinal basis for action in this field in view of its exposition of the concept of medical care. Moreover, it contains provisions on a number of important aspects not dealt with in the instruments adopted in 1969, i. e. Convention No. 130 and Recommendation No. 134.

B. R. 4—Medical Care and Sickness Benefits Recommendation, 1969 (No. 134)

This is supplementary to Convention No. 130, and provides for higher standards in respect of persons to be protected and higher rate of benefits to be provided than those provided for in the Convention. It also requires that appropriate provision should be made to help a protected person who is economically active and who has to care for a sick dependant. It further lays down that cash benefits in respect of incapacity for work resulting from sickness and involving suspension of earnings should be paid throughout the contingency.

C. MATERNITY BENEFIT

Maternity Protection Convention, 1919 (No. 3) ;

Maternity Protection (Agriculture) Recommendation, 1921 (No. 12) ;

Maternity Protection Convention (Revised), 1952 (No. 103) and Recommendation (No. 95), 1952.

These standards have been included and discussed in chapter dealing *Employment of Women*.

D. INVALIDITY, OLD-AGE AND SURVIVORS' BENEFIT.

CONVENTIONS :

D. C. 1—*Old-Age Insurance (Industry, etc.) Convention, 1933*
(No. 35) ;

D. C. 2—*Old-Age Insurance (Agriculture) Convention, 1933*
(No. 36) ;

D. C. 3—*Invalidity Insurance (Industry, etc.) Convention, 1933*
(No. 37) ;

D. C. 4—*Invalidity Insurance (Agriculture) Convention, 1933*
(No. 38) ;

D. C. 5—*Survivor's Insurance (Industry, etc.) Convention, 1933*
(No. 39) ;

AND

D. C. 6—*Survivor's Insurance (Agriculture) Convention, 1933*
(No. 40)

Current Status . The above Conventions have been revised by Convention No. 128 and are *no-longer open to ratification*. For the time being, they remain in force for States which have ratified them i. e. Convention No. 35-11 ; Convention No. 36-10 ; Convention No. 37-9 ; Convention No. 38-8 ; Convention No. 39-7 ; and Convention No. 40-6.

D. C. 7—*Maintenance of Migrants' Pension Rights Convention, 1935* (No. 48)

Scope : Industrial and commercial undertakings.

Object : The Convention is designed to establish between ratifying States an international scheme for the maintenance of rights in course of acquisition and acquired rights under invalidity, old-age and widows' and orphans' insurance of workers who transfer their residence from one country to another.

Theme : For the maintenance and recovery of rights in course of acquisition, the insurance periods of persons who have been insured with institutions of several States should be totalised by each institution, and each institution by which

benefit is found to be payable must determine it according to the relevant legislation and to rules prescribed in the Convention, depending on whether the benefit does or does not vary with time spent in insurance. The insurance institutions may decline liability if the total contribution period is less than twenty six weeks. A claim should be submitted only to one institution, which must then inform the others. Ratifying States may agree on other methods of calculation, (provided that the benefit is not inferior), on clearing of liabilities by capital transfers and on currency conversion conditions. Acquired rights can be retained in full by beneficiaries and their dependants, irrespective of nationality, if they are residing in a ratifying State (however, any portions payable out of public funds may be withheld), or irrespective of residence, if they are nationals of a ratifying State. Pensions should be commuted to lump sums, and national legislation limiting benefits for persons receiving other benefits or in employment may be applied to entitlements acquired abroad, in certain conditions. Authorities and institutions of ratifying States should render assistance to each other, in particular by carrying out investigations and medical examinations; institutions may effect payments on each other's behalf. Ratifying States should establish compulsory retirement pension or invalidity, old-age and widows' and orphans' insurance schemes within twelve months of ratification, where such schemes do not yet exist. They should treat nationals of other ratifying States on the same footing as their own nationals as regards liability to insurance and entitlements (save only that such portions of pensions exceeding a prescribed age when the insurance scheme entered into force may be withheld from non-nationals).

Exceptions : Ratifying States may enter into treaties derogating from the Convention, provided that their provisions are generally at least as favourable.

Current Status : The revision of this Convention is contemplated as one of the two outstanding items in the programme of revision of earlier social insurance Conventions recommended by the Committee of Social Security Experts. 8 States have ratified the Convention.

D. C. 8—*Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)*

Scope : General.

Object : The Convention regulates the protection of workers in respect of entitlement to invalidity, old-age and survivors' benefits.

Theme : The Convention is open to partial ratification. Ratifying States must secure (a) to all employees (including apprentices), or (b) to prescribed classes of persons constituting at least 75 per cent of the economically active population (or to their surviving dependants), or (c) to all residents, or those whose means do not exceed prescribed limits, the provision of at least either invalidity benefit (Part II), old-age benefit (Part III) or survivor's benefit (Part IV), or of a combination of these, subject to the relevant provisions of Parts V (payment standards) and VI (common provisions). Invalidity benefit is payable to persons incapacitated for gainful work. It must be backed up by rehabilitation and placement services for the disabled. Old-age benefit is payable normally from the age of 65 onwards, or earlier for persons in arduous and unhealthy occupations. Survivors' benefit is payable to the widows, children and other prescribed dependents of deceased breadwinners. It may be subject, for widows, to attainment of a prescribed age, and if they are childless, to a minimum duration of marriage. Benefits must be periodical payments granted throughout the contingency, and calculated, as regards alternatives (a) and (b), as a percentage of either the beneficiary's total previous earnings or the wages of an ordinary male labourer, and as regards alternative (c) at a rate sufficient to maintain the family in health and decency, the total of benefit plus any other resources not being less than a given percentage of the wages of an ordinary male labourer. The manner of calculation and applicable limits are indicated. The normal coverage specified is 75% of the whole economically active population. The coverage for those member countries whose economies are insufficiently developed is 25% of all employees or 50% of all employees in industrial undertakings. The rate of cash benefit is 50%

of the basic earnings of the class to which the beneficiary belongs in the case of invalidity and 45% in respect of old-age and death of the breadwinner. Benefits may be subject to prescribed qualifying periods of contribution or residence, and reduced or suspended in specified circumstances. Provision must be made for maintenance of rights in course of acquisition. (Part I, VII and VIII contain general, miscellaneous and final provisions).

Exceptions: Agricultural workers may be temporarily excluded, depending on the nature of the scheme, seafarers and public servants may be excluded when they are otherwise protected, and other limited exceptions may be made. States with insufficiently developed economies may avail themselves of temporary relief from certain provisions. States fulfilling Parts II, III and IV and certain other conditions may derogate from particular provisions thereof.

Prior Consultation: When the responsible institution is not State-administered, representatives of protected persons must, and representatives of employers and authorities may, participate in its management.

Enforcement: Claimants must have a right of appeal in case of refusal of or dissatisfaction with benefits.

Current Status: This is the latest standard on the subject and revises six Conventions. (Convention Nos. 35, 36, 37, 38, 39 and 40). 9 States have ratified the instrument.

RECOMMENDATIONS :

D. R. 1—*Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43)* ;

AND

D. R. 2—*Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131)*

Recommendation No. 43 has been *superseded* by the standards adopted in 1967 (Convention No. 128 and Recommendation No. 131).

Recommendation No. 131 which is supplementary to Convention No. 128, calls for the extension of protection, by stages if necessary, to persons whose employment is of a

casual nature and to all economically active persons. It also covers invalid and dependent widower, as far as survivors' benefit is concerned, (same entitlements as to a widow). The instrument provides for alleviation of qualifying conditions under various circumstances and envisages improvements in benefits compared to the standards of the Convention. (Increase by at least ten points of the percentage indicated in the schedule appended to Part V of the Convention is envisaged).

E. EMPLOYMENT INJURY BENEFIT

CONVENTIONS :

E. C. 1—*Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)*

Scope : Agriculture.

Object : The Convention aims at providing compensation in occupational accidents.

Theme : Ratifying States undertake to extend to all agricultural workers the legislation providing for compensation of workers for personal injury by accidents arising out of or in the course of their employment.

Current Status : Though this has been revised by Convention No. 121, it is open to ratification, since there is *no provision for closing* to further ratification, in the Convention. 54 States have ratified the instrument.

E. C. 2—*Workmen's Compensation (Accidents) Convention, 1925 (No. 17)*

Scope : General.

Object : The Convention regulates the compensation of workers injured in industrial accidents.

Theme : Injured workers are entitled to medical, surgical and pharmaceutical aid at the cost of the employer or insurance institution, including the supply and renewal of surgical appliances. In addition, they or their dependents, should the worker be permanently incapacitated or die, are entitled to compensation in the form of periodical payments, which may be converted into a lump sum in exceptional cases and must be increased if the worker needs the constant help of another

person. Provision must be made in national legislation for safeguarding in all circumstances the payment of compensation in the event of the insolvency of the employer or insurer.

Exceptions : Casual workers, out-workers and certain non-manual workers may be excluded.

Enforcement : National legislation must provide for supervisory measures either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

Current Status : This has been revised by Convention No. 121. However, it is open to ratification, since there is *no provision for closing it* to further ratification. 53 States have ratified the instrument.

E. C. 3—*Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)* ;

AND

E. C. 4—*Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)*

Scope : General.

Object : The Conventions provide for the compensation of workers incapacitated by certain scheduled occupational diseases.

Theme : Ratifying States undertake to compensate such workers, or their surviving dependants, in accordance with the general principles of national legislation on industrial accident compensation, and at rates not less than those prescribed therein, subject to such adaptations as they may deem expedient. They further undertake to consider as occupational diseases the diseases and poisonings listed in the schedule appended to the Convention, when they affect workers engaged in the trades or industries listed opposite them. The schedules to both Conventions cover lead and mercury poisoning and anthrax infection. In addition, the schedule to Convention No. 42 covers silicosis, poisoning by phosphorus, arsenic, benzene or its homologues and halogen derivatives of aliphatic hydrocarbons, radiation pathology and skin cancer, together with the corresponding processes.

Current Status : Both the Conventions have been revised by Convention No. 121. However they are open to ratifi-

cation, because, in case of Convention No. 18, there was *no provision for closing it* to further ratification, and in case of Convention No. 42 of an express provision in the Convention No. 121. 53 States have ratified the Convention No. 18 and 45 States have ratified Convention No. 42.

E. C. 5—*Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)*

Scope : General.

Object : The Convention is designed to secure equal treatment for national and foreign workers as regards workmen's compensation for accidents.

Theme : Ratifying States should grant to each other's nationals injured in industrial accidents on their territory, or to their dependants, the same treatment, in respect of compensation, as they grant to their own nationals, without any condition as to residence, and to assist each other in applying the Convention. They may enter into special agreements regarding payments to be made abroad, and agreements providing that workers employed temporarily in one State on behalf of an undertaking in another State shall be governed by the latter's legislation on workmen's compensation. Ratifying States which do not have a workmen's compensation scheme should institute one within three years from ratification.

Current Status : This has been *superseded* by Convention No. 118. However it remains open to ratification. 89 States have ratified the instrument.

E. C. 6—*Employment Injury Benefits Convention, 1964 (No. 121)*

Scope : General.

Object : The Convention regulates the compensation of injuries resulting from industrial accidents and occupational diseases.

Theme : The Convention lays down standards, *inter alia*, in respect of (i) persons to be protected, (ii) contingencies to be covered, and (iii) contents, duration, rates, etc. of the benefits to be provided in the case of employment injury

caused by accidents or occupational diseases. The minimum coverage required for ratifying the Convention is 75 per cent of all workers employed, *inter alia*, in mining and quarrying, manufacturing, construction and transport.

National legislation should provide for medical and allied benefits in the case of morbid conditions and for cash benefits in case of temporary or permanent incapacity, or death of a breadwinner. It should define industrial accidents, including commuting accidents. As to occupational diseases, ratifying States may either prescribe a list of diseases which shall be presumed to be occupational, comprising the diseases scheduled in the Convention, give a general definition covering those diseases or combine both methods. Benefits may not be subject to a qualifying period or payment and should be granted throughout the contingency. Medical and allied care must include, in particular, hospitalisation, pharmaceutical and surgical supplies, and dental treatment. Disability or survivors' benefits must normally take the form of periodical payments, which must be supplemented if the worker requires constant help. They may be reckoned as a percentage of either the total previous earnings, or the wage of an ordinary male labourer, subject to a prescribed minimum ; the manner of calculation and applicable limits are indicated. A funeral benefit is also payable. Benefits must be available equally to nationals and non-nationals and be reviewed in the light of changes in the cost of living ; they may be suspended in specified circumstances. Finally, ratifying States must promote occupational safety and health, and provide rehabilitation and placement services for disabled persons.

Exceptions : Seamen, fishermen and public servants may be excluded when they are otherwise protected, and other limited exceptions may be made. States with insufficient economic and medical facilities may avail themselves of temporary relief from certain provisions.

Prior Consultation : When the responsible institution is not State-administered, representatives of protected persons must and representatives of employers and authorities may participate in its management.

Enforcement : Claimants must have a right of appeal in case of refusal of, or dissatisfaction with, benefits.

Current Status : 15 States have ratified the Convention. The need to revise the list of occupational diseases taking account of recent technical and medical development, has been resolved by the Conference in 1964, 1967 and 1970. Action remains to be taken.

RECOMMENDATIONS :

E. R. 1—*Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22)* ;

E. R. 2—*Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23)* ;

AND

E. R. 3—*Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24)*

Recommendation No. 22 and Recommendation No. 23 are supplementary to Convention No. 17. Recommendation No. 22 provides for minimum rates of compensation (two-thirds of earnings in case of total incapacity or death) and defines the surviving dependants entitled to compensation.

Recommendation No. 23 calls for the submission of disputes on workmen's compensation to special courts or boards of arbitration on which employers and workers are equally represented, and for recourse to expert advice on questions involving the degree of incapacity for work.

Recommendation No. 24 which is supplementary to Convention No. 18 calls on member States to adopt a simple procedure for revising the list of occupational diseases in their national legislation.

Observation : All these Recommendations can be regarded as *superseded* by the standards contained in Convention No. 121 and Recommendation No. 121.

E. R. 4—*Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)*

This is supplementary to Convention No. 19 and calls on member States to facilitate payment of workmen's compensa-

tion to beneficiaries resident in another State, and proceedings taken by them *in absentia* regarding non-payment of compensation. It also envisages extension to nationals of other ratifying States any fiscal or other advantages granted to their nationals and where no national workmen's compensation scheme as yet exists, to allow alien workers to benefit by schemes existing in their own countries. The instrument retains interest to the extent it supplements Convention No. 19.

E. R. 5—*Employment Injury Benefits Recommendation, 1964*
(No. 121)

This supplements the provisions of Convention No. 121 and envisages the extension of coverage to members of co-operatives; self-employed persons; and certain categories of persons working without pay, including persons in training, members of volunteer bodies, social workers and prisoners. It also contains detailed provisions regarding establishment of occupational origin of industrial diseases and accidents and benefits. It calls for periodical adjustment of rates of cash benefits payable under the Convention No. 121, in case of total loss of earning capacity (para 2 of Art. 14), or in case of substantial partial loss of earning capacity (para 3 of Art. 14) or in respect of death of the breadwinner (para 1 of Art 18), taking account of changes in the general level of earnings or the cost of living.

F. UNEMPLOYMENT BENEFIT

CONVENTIONS :

F. C. 1—*Unemployment Provision Convention, 1934* (No. 44)

Scope : All persons habitually employed for wages or salary.

Object : Aims at providing relief to the unemployed persons.

Theme : Member States are required to set up either a compulsory insurance scheme or a voluntary insurance scheme or a combination of both or any of these alternatives combined with a complementary scheme, ensuring benefits or allowances to persons involuntarily unemployed, subject to prescribed conditions.

Current Status : The instrument is deemed *no longer adapted* to present conditions and more modern provisions on unemployed benefit are contained in the Social Security (Minimum Standards) Convention, 1952 (No. 102). 14 States have ratified the Convention.

RECOMMENDATIONS :

F. R. 1—*Unemployment Provisions Recommendation, 1934*
(No. 44)

This supplements the provisions of the Convention No. 44 and details general principles to be followed in order to promote a satisfactory organisation of unemployment insurance and assistance.

Observation : The instrument is *no longer adapted* to present conditions and more modern provisions on unemployment benefit are contained in Convention No. 102.

Need for New Standards : The need for new standards in this field has been recognised by the Committee of Social Security Experts, by the Second European Regional Conference, and by the Governing Body on the occasion of the in-depth review of the social security programme. The item has not been included in the Conference agenda so far.

II

SOCIAL POLICY (GENERAL)

Economic advancement and social progress of people of dependant territories have become increasingly a matter of close and urgent concern to the States responsible for their administration and the ILO has from its inception endeavoured to assist the efforts of governments, employers and workers towards this end. From time to time standards dealing with special aspects of the condition of life and labour in dependent countries have been adopted and endeavours have been made to promote the application to such territories, in accordance with article 35 of the Constitution of the Organisation, of standards of general application.

The ILO recognises that economic development must serve

as a basis for social progress and envisages taking appropriate steps to interest and associate the population in the framing and execution of measures of social progress. ILO also considers that all possible steps should be taken by appropriate international, regional and national measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

Two Conventions and Four Recommendations have been adopted in this area. They are :

Social Policy in Dependent Territories Recommendation, 1944 (No. 70)

Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74)

Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

Co-operatives (Developing Countries) Recommendation, 1966 (No. 127)

Tenants and Share-Croppers Recommendation, 1968 (No. 132)

CONVENTIONS :

C. 1—*Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) ;*

AND

C. 2—*Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)*

Scope : Convention No. 82 : Non-metropolitan territories, including trust territories, for whose administration or international relations the ratifying State is responsible ;

Convention No. 117 : General (but with special reference to States to which Convention No. 82 applied before their independence).

Object : The Conventions define a policy for social progress based on economic development (stimulated by international financial and technical assistance) and popular participation.

Theme : Ratifying States should pursue social policies aimed primarily at promoting the well-being, development and desire for social progress of the population. Towards that end, an indispensable economic development must be harmonised with the interests and healthy evolution of urban and rural communities, and must be directed principally at improving standards of living and eliminating chronic agricultural indebtedness. The ownership, alienation, tenancy and use of land should be controlled, and independent producers and wage earners must be enabled to improve their conditions and maintain minimum living standards. Measures should be taken to protect migrant workers, who must enjoy the same advantage as local workers. Minimum wages should be fixed, where possible by collective agreement, the payment of wages in cash or in kind must be regulated, and usury should be discouraged and thrift encouraged, in particular by promoting credit co-operatives. Discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation affecting any aspect of conditions of work should be abolished. General education and vocational training, including instruction locally or abroad in new production techniques, must be developed, and a school leaving age and minimum age for employment should be prescribed.

Prior Consultation : Provision is made for consultation of employers' and workers' organisations regarding enquiries into living conditions and training in new techniques, and of their representatives or organisations in connection with minimum wage fixing.

Current Status : Convention No. 82 has largely been superseded by Convention No. 117, although it is still in force for a number of non-metropolitan territories. It has received 4 ratifications.

Convention No. 117 is of current interest and has received 25 ratifications.

RECOMMENDATIONS :

R. 1—*Social Policy in Dependent Territories Recommendation, 1944 (No. 70) ;*

AND

R. 2—*Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74) ;*

The Recommendations call for the application by member States, with a view to promoting the well-being of the people of dependent territories for which they are responsible, of certain general principles and minimum standards of social policy, the provisions of which are set out in annexes to the Recommendations.

Recommendation No. 70 covers general aims of social progress founded on economic advancement (stimulated by financial and technical assistance) and popular participation ; suppression of slavery, forced labour, recruiting of workers and penal sanctions for breaches of employment contracts ; control of opium traffic and prohibition of opium smoking ; education and vocational training, minimum age for employment, protection of young persons and women at work ; remuneration ; health, housing and social security ; elimination of discrimination ; establishment of labour inspector services ; freedom of association, collective agreements, settlement of disputes ; and encouragement of co-operative organisations.

Recommendation No. 74 covers minimum wage-fixing machinery, protection of wages, encouragement of thrift, equality of remuneration ; improvement of living standards of agricultural workers, control of alienation of land ; occupational safety and health measures, workmen's compensation ; placing of workers and welfare of migrants ; regulation of working hours ; weekly rest and holidays with pay ; powers of labour inspectors ; and information of workers and employers.

Observation : These two Recommendations have been superseded by subsequent instruments adopted in 1947 relating to non-metropolitan territories. Their significance *has also been diminished* by the accession to independence of large number of former dependent territories.

R. 3—*Co-operatives (Developing Countries Recommendation, 1966 (No. 127)*

The Recommendation defines the measures that should be taken to enable co-operatives of all kinds, such as consumer, agricultural, industrial, credit, housing and insurance co-operatives, to play an active role in the economic, social and cultural advancement of developing countries. After stressing that Governments should make it their policy to encourage co-operatives as important instruments towards this end, and should associate them with relevant economic planning and action, the Recommendation considers the steps required to implement that policy from the standpoint of legislation (removal of provisions likely to hamper co-operatives, enactment of others establishing and protecting their status and mode of operation), education and training (dissemination of knowledge concerning co-operatives in educational establishments and among workers and the general population, training of staff and members of co-operatives), aid to co-operatives (financial assistance, grants, tax rebates, administrative aid), supervision of their activities, and international collaboration (supply of technical assistance and information, exchanges of personnel, goods or services, fellowships, seminars, research). An annexure contains suggestions on the use of co-operatives in implementing agrarian reform schemes.

R. 4—*Tenants and Share-Croppers Recommendation, 1968 (No. 132)*

The Recommendation seeks to promote the well-being and security of agricultural workers who pay rent in cash or in kind or are remunerated by a share of the produce; it provides that these workers should be given the main responsibility for managing their holdings, that their access to land should be facilitated and that the establishment of organisations representing them should be encouraged, preferably within the framework of a comprehensive national agrarian plan. A series of measures towards these ends are outlined, covering in particular rent levels and concessions, protection against obligation to perform personal services, contracts with land-

owners and settlement of disputes, right of pre-emption in case of sale of holdings, encouragement of co-operatives, provision of low-cost credit facilities, education and vocational training, rural employment and development programmes, social security and insurance.

The instrument is of current interest.

ABSTRACT**SOCIAL SECURITY AND SOCIAL POLICY**

(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of Ratification received	Remarks
1.	102	Social Security (Minimum Standards)	1952	26	
2.	118	Equality of Treatment (Social Security)	1962	30	
3.	24	Sickness Insurance (Industry)	1927	22	Since Revised
4.	25	Sickness Insurance (Agriculture)	1927	17	Since Revised
5.	130	Medical Care and Sickness Benefits	1969	8	
*	3	Maternity Protection	1919	28	Since Revised
*	103	Maternity Protection (Revised)	1952	16	
6.	35	Old-Age Insurance (Industry, etc.)	1933	11	No longer open to ratification
7.	36	Old-Age Insurance (Agriculture)	1933	10	No longer open to ratification
8.	37	Invalidity Insurance (Industry, etc.)	1933	9	No longer open to ratification
9.	38	Invalidity Insurance (Agriculture)	1933	8	No longer open to ratification
10.	39	Survivors' Insurance (Industry, etc.)	1933	7	No longer open to ratification
11.	40	Survivors' Insurance (Agriculture)	1933	6	No longer open to ratification
12.	48	Maintenance of Migrants' Pension Rights	1935	8	
13.	128	Invalidity, Old-Age and Survivors' Benefits	1957	9	
14.	12	Workmen's Compensation (Agriculture)	1921	54	Since Revised
15.	17	Workmen's Compensation (Accidents)	1925	53	Since Revised
16.	18	Workmen's Compensation (Occupational Diseases)	1925	53	Since Revised
17.	42	Workmen's Compensation (Occupational Diseases) (Revised)	1934	45	
18.	19	Equality of Treatment (Accident Compensation)	1925	89	Since Revised
19.	121	Employment Injury Benefits	1964	15	
20.	44	Unemployment Provision	1934	14	
21.	82	Social Policy (Non-Metropolitan Territories)	1947	4	
22.	117	Social Policy (Basic Aims and Standards)	1962	25	

* Conventions Nos. 3 and 103 have been included in Chapter VI Part II, Employment of Women

RECOMMENDATIONS :

Sr. No.	Recommendation number	Title	Year of adoption
1.	67	Income Security	1944
2.	68	Social Security (Armed Forces)	1944
3.	17	Social Insurance (Agriculture)	1921
4.	29	Sickness Insurance	1927
5.	69	Medical Care	1944
6.	134	Medical Care and Sickness Benefits	1969
*	12	Maternity Protection (Agriculture)	1921
*	95	Maternity Protection	1952
7.	43	Invalidity, Old-Age and Survivors' Insurance	1933
8.	131	Invalidity, Old-Age and Survivors' Benefits	1967
9.	22	Workmen's Compensation (Minimum Scale)	1925
10.	23	Workmen's Compensation (Jurisdiction)	1925
11.	24	Workmen's Compensation (Occupational Diseases)	1925
12.	25	Equality of Treatment (Accident Compensation)	1925
13.	121	Employment Injury Benefits	1964
14.	44	Unemployment Provision	1934
15.	70	Social Policy in Dependent Territories	1944
16.	74	Social Policy in Dependent Territories (Supplementary Provisions)	1945
17.	127	Co-operatives (Developing Countries)	1966
18.	132	Tenants and Share-Croppers	1968

* Recommendation Nos. 12 and 95 have been included in Chapter VI, Part II, Employment of Women.

CHAPTER IX

SEA FARERS

The SEAFARER needs protection in his work and interests even more than the worker on land. He is tied to his ship for 24 hours a day and must necessarily miss many of the advantages of the ordinary worker on shore, with his home and all the surrounding amenities of personal freedom and leisure-time interests and relaxations in the community. Problems of maritime labour are special and the nature of these problems is such that it needs consideration of those who have the technical competence to deal with them at national and international levels. Recognising this fact, the Commission on International Labour Legislation which drafted the Constitution of the ILO in 1919, had recommended convening of special meetings of the International Labour Conference, "devoted exclusively to the affairs of seamen". The International Seafarers' Code, which at present comprises 34 Conventions and 23 Recommendations covers much of the seafarer's life. Yet the changes in the economics and technology of shipping are so radical that the ILO's maritime work has to be given "more continuous rhythm than has ever been possible". Seaborne trade during the current decade may be doubled, and shipping industry would be more widely spread over a significantly larger number of shipowning nations, with ships of greater size, speed and efficiency and some quite new types. All these would need a positive labour policy for a prospective continued expansion in the volume of world shipping. The International Seafarer's Code has to be constantly reviewed and updated to cope up with the demands of the maritime labour. ILO has once again to pioneer and "secure an equally wide acceptance and full application of the new standards which the technological revolution at sea has made both humanly imperative and economically possible".

34 Conventions and 23 Recommendations have been adopted on this subject. They are sub-classified as under :—

- A. General. — 4 Recommendations.
- B. Training and Entry into Employment. — 3 Conventions and 2 Recommendations.
- C. Conditions for Admission to Employment. — 5 Conventions.
- D. Certificate of Competency. — 3 Conventions.
- E. General Conditions of Employment. — 8 Conventions and 3 Recommendations.
- F. Safety, Health and Welfare. — 5 Conventions and 8 Recommendations.
- G. Labour Inspection. — 1 Recommendation.
- H. Social Security. — 5 Conventions and 3 Recommendations.
- I. Fishermen. — 5 Conventions and 2 Recommendations.

Possible Subjects for New Standards.

A. GENERAL

CONVENTIONS : Nil.

RECOMMENDATIONS :

A. R. 1—*National Seamen's Codes Recommendation, 1920*
(No. 9)

It requires member States to incorporate in the seamen's code of all its laws and regulations relating to seamen in their activities as such, with a view to facilitate the seamen of the world to have a better comprehension of their rights and obligations and to advance the task of establishing an International Seamen's Code.

Observations : Such seamen's code have been established by most important maritimes.

A. R. 2—*Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107)*

This Recommendation calls upon member States to discourage seafarers within its territory from joining vessels regis-

tered in foreign countries, unless the conditions of engagement are generally equivalent to those accepted by the traditional maritime countries. Appropriate provisions are to be made for the return of seafarers employed on a foreign vessel, put ashore in a foreign port for reasons for which he is not responsible, to his own country, or to the port where he was engaged or to any other port mutually agreed upon. Provisions are also to be made for the medical care and maintenance during his stay in the foreign port consequent upon sickness or injury incurred during service and not due to misconduct.

A. R. 3—*Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108)*

The Recommendation is made having regard in particular to the potential problems resulting from the registration of substantial tonnage of shipping in countries not viewed as traditionally maritime, and to the obligation flowing from the United Nations Convention on High Seas.

Recommendation No. 108 requires the country of registration of sea-going merchantships to be responsible for the safety and welfare of seafarers going in those ships ; to make provisions for ensuring observation of internationally accepted safety standards ; to arrange for ship-inspections service ; supervise signing on and signing off of seafarers ; ensuring conditions of service of accepted standard ; repatriation of seafarers ; for examination of candidates for certificate of competency and issue of certificates thereof ; and safeguarding of freedom of association.

A. R. 4—*Employment of Seafarers (Technical Development) Recommendation, 1970 (No. 139)*

The Recommendation is intended to secure for all concerned the greatest benefits from technical progress, and to protect seafarers whose employment is affected by problems arising from technical developments and modernisation on boardship. Member States with maritime industry are required to draw national manpower plans for the industry, keeping in view the size of the maritime labour force, trends in the evolution of new techniques in maritime industry, changed

methods of operation in ships, modifications in manning scales and their future requirements. Recruitment of seafarers into the maritime industry should take account of the existing manpower plans and of the forecasts contained therein. The instrument provides for training and retraining facilities where changes in functions and required skills arising from technical developments are likely to affect seafarers. Consideration should be given to schemes providing regularity of employment and income and also for some form of benefits during periods of unemployment. The Recommendation visualises the co-operation of governments and the shipowners and seafarers concerned in gradually adjusting the supply of the seafarers to the changing requirements for maritime labour and in minimising the effect of redundancy, to avoid hardship to seafarers employed in foreign vessels who are likely to be affected by technical changes aboard ship.

B. TRAINING AND ENTRY INTO EMPLOYMENT

CONVENTIONS :

B. C. 1—*Placing of Seamen Convention, 1920 (No. 9)*

Scope : All Crew members of sea-going vessels except officers (deck-officers and engineer-officers may be covered by decisions of the ratifying State).

Object : It aims at providing facilities to seamen for finding employment without fees.

Theme : The conduct of business and charging fees for finding employment for seamen are prohibited. Agencies already doing so on a commercial basis may be allowed to continue temporarily under Government licence, inspection and supervision. However, this practice must be abolished as soon as possible, after ratification. Member States are required to ensure organisation and maintenance of an efficient and adequate system of public employment offices for finding employment for seamen without charge and such a system could be organised jointly by shipowners and seamen's associations under the control of a central authority or by the State itself. These facilities must be made available to seamen of

other ratifying States with similar industrial conditions. Freedom of choice of ship to the seamen and freedom of the choice of the crews to the shipowners should be assured. The contract of engagement should include necessary guarantees for protecting all parties concerned and the seamen be afforded facilities to examine the contract before and after signing.

Prior Consultation : Committees consisting of equal number of representatives of shipowners and seamen should be constituted to advise on matters concerning the running of the public employment office for seamen.

Enforcement : National legislation must provide punishment for violations.

Current Status : The Convention continues to be of interest. 30 ratifications have been registered.

B. C. 2—*Seamen's Articles of Agreement Convention, 1926* (No. 22)

Scope : All sea-going vessels except warships, non-commercial government vessels, fishing vessels and certain other specified vessels.

Object : The Convention aims at regulating articles of agreement and ensuring proper safeguards.

Theme : The articles of agreement must be signed by the shipowner or his representative and by the seaman. Facilities must be afforded to seaman for examining the agreement before signing and provisions must be made to ensure that he has understood the agreement. The agreement must not contain provisions by which the parties contract to depart from the ordinary rules of jurisdiction, or which are contrary to national law or to the Convention. The agreement, which may be made for a voyage or for a definite period of, if permitted by the national law, for an indefinite period shall state clearly the respective rights and obligations of the parties. It must mention : the capacity in which the seaman is to be employed ; the scale of provision to be provided to the seaman ; the amount of his wages ; the termination of the agreement and the conditions thereof ; and the annual leave with pay granted to the seaman after one year's service. National law should deter-

mine the circumstance in which the owner or a master may immediately discharge a seaman and the circumstances in which the seaman can demand his immediate discharge. The agreement would be automatically terminated by mutual consent, death of the seaman and loss of the vessel. A seaman may also obtain his discharge by proving to the satisfaction of the shipowner or his agent that it is essential to his interest, provided he finds an adequate substitute. Information on conditions of employment must be available on board. Every seaman shall be provided with a document detailing record of his employment on board the vessel and it shall not contain any statement as to the quality of the seaman's work or as to his wages. However, he shall at all times have the right to obtain a certificate as to the quality of his work from the master separately.

Current Status : The instrument remains of interest. 44 countries have ratified the instrument.

*B. C. 3—Seafarers Identity Documents Convention, 1958
(No. 108)*

Scope : All seafarers on board vessels (other than warships) ordinarily engaged in maritime navigation and registered in a territory for which the Convention is in force.

Object : Member States are required to issue, on application, a seafarer's document (or where it is impracticable, a passport in lieu), to their nationals who are seafarers. It shall be designed in a simple manner and be made of a durable material. It shall incorporate particulars of the seafarer including his name, date and place of birth, nationality, physical characteristics, photograph and signature/thumb print. It shall also indicate the period of validity. Ratifying States may also issue seafarer's identity documents to foreign seafarers serving on board vessels registered within its territory, or to foreign seafarers registered at an employment office, such documents need not contain a statement as to nationality and do not constitute proof thereof. The seafarer's identity document must remain in his possession at all times. Seafarers holding such documents must be readmitted to the territory of issue during its validity and for at least one year thereafter.

They must also be allowed entry into any territory for which the Convention is in force for purposes of temporary shore leave, joining a ship or passing in transit to join a ship in another country, repatriation or any other approved purpose. Ratifying States may require satisfactory evidence of intent before permitting such entry, limit the duration of the stay, and debar particular individuals from entry.

Prior Consultation : Shipowners' and seafarers' organisations must be consulted concerning the categories of persons to be regarded as seafarers and the precise form and content of seafarers' identity documents.

Current Status : The instrument remains of current interest and 32 States have ratified it.

RECOMMENDATIONS :

B. R. 1—*Vocational Training (Seafarers) Recommendation, 1946 (No. 77)* ;

AND

B. R. 2—*Vocational Training (Seafarers) Recommendation, 1970 (No. 137)*

Recommendation No. 77 has since been revised and superseded by Recommendation No. 137 adopted in 1970.

Recommendation No. 137 covers all training designed to prepare persons for work on board ship. The objectives of training include the maintenance and improvement of the efficiency of the shipping industry, reduction of accident risks, provision for retraining facilities, provision of opportunities for upgrading and promotion and placement. National authorities are to ensure that adequate provision is made in the general network of training facilities for the training of seafarers, possibly with the collaboration of other countries and international organisations. The Recommendation enumerates the functions of bodies which draw up training programmes and stipulates that the training schemes should be systematically organised and adequately financed on a regular basis. Seafarers should be enabled to obtain appropriate training and lack of financial resources should not come in the way. Training in publicly run centres for seafarers should.

be given, without charge to the trainees, wherever possible. The instrument requires the training programme to be realistically based on the work to be performed on board ship and lists subjects for training. The instrument further deals with general training schemes, advanced training and training methods, and provides that training standards should be specified. It also indicates the lines on which training programmes are to be drawn up and advocates international cooperation, suggesting the possibility of national cooperation with the ILO and other international institutions.

C. CONDITIONS FOR ADMISSION TO EMPLOYMENT

C. C. 1—*Minimum Age (Sea) Convention, 1920 (No. 7)*

C. C. 2—*Minimum Age (Sea) Convention (Revised), 1936, (No. 58) ;*

AND

C. C. 3—*Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)*

Convention No. 7 prescribes minimum age of 14 for employment of children on all vessels engaged in maritime navigation, whether publicly or privately owned, except warships. Work done on school-ships or training ships is exempted, provided that such work is duly approved and supervised. The ship-master is required to keep a register of all persons under the age of 16 employed on board vessels. This Convention was revised by the Minimum Age (Sea) Convention (Revised) 1936.

The revised Convention (No. 58) raises the minimum age to 15. However, it allows the employment of children of 14 years where an educational or other authority is satisfied that such employment will benefit the child. This Convention retains the provisions exempting duly supervised work on training ships and relating to maintenance of registers by ship-masters regarding particulars of persons below 16 years employed on board vessels.

Convention No. 15 prescribes a minimum age of 18 for employment of young persons on vessels engaged in maritime navigation, except warships and vessels not manually propelled

by steam. However, where a young person of at least 18 years is not available, 2 persons of at least 16 years old may be employed instead. This Convention also exempts duly supervised work on training ships and envisages maintenance of register by ship master containing particulars of persons below 18 years employed on board vessels.

Current Status : All these three Conventions have been revised by Convention No. 138 adopted in 1973. (Dealt with under chapter on Employment of children and young persons). However, they remain open for ratification. Convention No. 7 has received 43 ratifications ; Convention No. 58 has received 46 and Convention No. 15, 60 ratifications ; and to that extent the Conventions retain interest.

C. C. 4—Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)

Scope : All vessels engaged in maritime navigation whether publicly or privately owned, except warships.

Object : The Convention requires the medical examination of children and young persons employed at sea.

Theme : The employment at sea of any child or young person less than 18 years old is conditional on the production of a medical certificate of fitness for work, which must be renewed, following a fresh examination at least yearly. If a medical certificate expires in the course of a voyage, it shall remain in force until the end of the said voyage. In urgent cases, the young person may embark without examination, which must then be made at the first port of call.

Current Status : It continues to have current value. 61 States have ratified the instrument.

C. C. 5—Medical Examination (Seafarers) Convention, 1946 (No. 73)

Scope : All sea-going cargo or passenger vessels, except vessels of less than 200 tons gross register tonnage, wooden vessels of primitive build, fishing vessels and estuarial craft. Pilots and others who are not members of the crew or not employed by the shipowner, are not covered.

Object : The Convention requires the medical examination of seafarers.

Theme : No person is to be employed on board unless he produces a medical certificate of fitness for work at sea. The nature of the medical examination and particulars of the certificate must be prescribed by the competent authority, having regard to the age of the person, the duties involved, and certain requirements of the Convention (absence of disease likely to aggravate by services at sea or to endanger health of others ; adequate hearing and sight, including colour vision). Persons who have been refused a certificate may apply for a further examination by an independent medical referee. The period of validity of the certificate is fixed at two years and in case of colour vision six years.

Exception : The provisions may be waived for a single voyage in urgent cases.

Prior Consultation : The competent authority must consult shipowners' and seafarers' organisations before deciding the details of the examination and certificate, and before delegating any of its function.

Current Status : The Convention remains of value. 23 States have ratified the instrument.

D. CERTIFICATES OF COMPETENCY

CONVENTIONS :

D. C. 1—*Officers' Competency Certificates Convention, 1936* (No. 53)

Scope : All vessels engaged in maritime navigation, except warships, government vessels not engaged in trade, woodenships of primitive build. National laws may grant exceptions to vessels less than 200 tons gross registered tonnage, and certain other vessels.

Object : The Convention regulates the certification of professional capacity of ships' officers.

Theme : No person should be engaged as a master, chief engineer, or navigating or engineer officer in charge of a watch unless he holds an approved certificate of competency. National laws must prescribe the minimum age and period of professional experience required for the issue of such a certificate, and provide for the organisation and supervision

of the compulsory qualifying examination (which may be waived during the first three years after ratification in respect of persons who have had sufficient experience of the duties involved and have no record of any serious technical error against them).

Exceptions : The requirement of certification may be suspended only in cases of *force majeure*.

Enforcement : Ratifying States must make provision for enforcement by inspection, and for detaining vessels flying their flag, and advising the appropriate Consul in the case of vessels registered in another ratifying State, in the event of infringement. Disciplinary or other penalties must be prescribed against persons found in breach of the Convention.

Current Status : It is of current value. 25 States have ratified the instrument.

D. C. 2—*Certification of Ships' Cooks Convention, 1946*
(No. 69)

Scope : All sea-going commercial cargo or passenger vessels.

Object : The Convention regulate the certification of ships' cooks.

Theme : No person may be engaged as a ship's cook (person directly responsible for the preparation of meals for the crew of the ship) unless he holds a certificate of qualification. The competent authority must prescribe the minimum age, minimum period of service at sea, and examination (which must include tests of practical ability and theoretical knowledge) required for the issue of such a certificate (which may be waived in the case of persons who have served satisfactorily as cooks for two years during the first three years following entry into force of the Convention for the territory concerned). The competent authority may delegate the conducting of examinations and delivery of certificates to an approved school, and may recognise certificates issued in other territories.

Exceptions : The competent authority may make exception from engaging certified cook if in its opinion, there is no adequate supply of certificated ships' cooks.

Current Status : It remain of current interest and has received 21 ratifications.

D. C. 3—*Certification of Able Seamen Convention, 1946*
(No. 74)

Scope : All vessels.

Object : The Convention regulates the certification of able seamen.

Theme : No person may be engaged as an able seaman unless he is deemed competent as such under national legislation and holds a certificate of qualification. The competent authority must prescribe the minimum age (which may not be less than 18 years), minimum period of service at sea in the deck department (which may not be less than 36 months, save in the case of persons who have been trained in approved schools or training ships), and examination of proficiency in all the duties involved (including those of life boatman) required for the issue of such a certificate (which may however be granted without examination to persons performing or having performed such duties at the time of entry into force of the Convention for the territory concerned). The competent authority may recognise certificates issued in other territories.

Current Status : The Convention is of current interest and it has been ratified by 18 States. The Joint Maritime Commission had requested the Director-General to include in his report to the next maritime session of the Conference, the information on progress and difficulties encountered in the application of this Convention.

* E. GENERAL CONDITIONS OF EMPLOYMENT

CONVENTIONS :

E. C. 1—*Hours of Work and Manning (Sea) Convention, 1936*
(No. 57) ;

E. C. 3—*Wages, Hours of Work and Manning (Sea) Convention, 1946* (No. 76) ;

AND

E. C. 3—*Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949* (No. 93)

All these Conventions have been superseded by Convention No. 109 and Recommendation No. 109. Further, they did not receive required number of ratifications for coming into force and as such they are obsolete. Convention Nos. 57, 76 and 93 received only 4, 1 and 5 ratifications respectively.

E. C. 4—Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)

Scope : Crews of all sea-going commercial, cargo or passenger motor vessels except masters, doctors, chaplain, pursers, and certain senior officers.

Object : It aims at regulating minimum wages of able sea-men and hours of work of officers (including radio officers) and ratings.

Theme : Part II of the Convention (which could be excluded from ratification by a member State or accepted as a Recommendation) prescribes the basic pay for a calendar month of an able seaman at £ 16 sterling or U. S. \$ 64 (plus an amount for meals if they are not provided free). It specifies the adjustments to be made for charges in par value and method of determining equivalent in other currencies and makes room for adjustment in accordance with the principle of equal pay for equal work, in respect of ships in which certain groups of ratings are employed. Part III of the Convention fixes the normal hours of work of officers and ratings at sea at 24 hours in any two consecutive days in near trade ships and 8 hours in any one day in distant trade ships, with a total of 112 hours in two consecutive weeks, and 48 hours in one week, respectively. When the vessel is in port, the daily limit is to be 8 hours (2 hours on the weekly rest day). Special conditions are made applicable to catering staff and night watchmen. It also provides for time-off in port for officers and ratings which should be subject of negotiation between the associations of shipowners and seafarers and such time-off should not be counted as leave. Overtime compensation should not be less than one and a quarter time the basic rate. Persons under the age of 16 are not permitted to work at night. Part IV of the Convention requires vessels to be sufficiently and efficiently manned for ensuring safety

of life at sea and to prevent excessive strain upon the crew and minimise their overtime.

Exceptions : The provisions on hours of work do not apply to certain routine activities and to work required for the safety of the vessel, or for assisting other vessels.

Prior Consultation : Shipowners' and seafarers' organisations must participate in machinery for dealing with complaints about manning, and be consulted where possible about legislation applying to the Convention, to which effect may also be given by collective agreements.

Enforcement : Ratifying States must determine responsibilities of shipowners and masters, provide for supervision of application, with appropriate penalties and remedies, and for informing authorities of other States of non-compliance by vessels flying their flags. They must supply to the ILO information on the measures taken and participate in any ILO Committee set up to examine them. They must also consider and communicate to the parties to any collective agreements the observations made by such a Committee.

Current Status : It has received 8 ratifications. However, the conditions for its entry into force have not yet been fulfilled and therefore the Convention *is not in force*.

E. C. 5—*Holidays with Pay (Sea) Convention, 1936 (No. 54)* ;

AND

E. C. 6—*Paid Vacations (Seafarers) Convention, 1946 (No. 72)*

Convention Nos. 54 and 72 have been superseded by Convention No. 91 and as such are *obsolete*. They received 6 and 5 ratifications respectively and did not come into force.

E. C. 7—*Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)*

Scope : All sea-going, mechanically propelled, commercial cargo or passenger vessels, other than certain small craft, or whaling ships whose crews are covered by special agreements.

Object : The Convention provides for an annual holiday with pay for all crew members (officers and men), with certain exceptions but including radio officers and operators.

Theme : All crew members are entitled to an annual

holiday with pay (equal to their usual remuneration, which may include a suitable subsistence allowance) after 12 months' service ; those discharged through no fault of their own after less than 6 months, are entitled to proportionate holiday. Public holidays and interruptions of service due to illness or injury should not be counted in the holidays. Legislation or collective agreements may permit the division or accumulation of holidays or, in very exceptional circumstances, the substitution of a cash payment ; subject to this exception, any agreement to forego an annual paid vacation is void. Persons who leave or are discharged before taking a holiday must receive the remuneration corresponding to it. The holiday due must be given by mutual agreement as soon as the requirements of the service allow, in a port in the territory of engagement or in a home port, unless the seafarer consents otherwise. The provisions of this Convention will not affect existing conditions which are more favourable.

Exceptions : The competent authority may exempt masters, chief navigating officers, chief engineers, already enjoying at least equivalent conditions, under legislation or collective agreements.

Prior Consultation : The above exemptions to senior officers are to be given after consultation with the associations of shipowners and seafarers concerned.

Enforcement : Effect may be given to the Convention by national legislation and or collective agreements. Ratifying States should supply to the ILO information on the measures taken and participate in any ILO committee set up to examine them ; they must consider and communicate to the parties to any collective agreements any observation made thereon by such a Committee.

Current Status : 18 States have ratified the Convention. The revision of the Convention was placed on the agenda of the Preparatory Technical Maritime Conference held in 1975.

E. C. 8—*Repatriation of Seamen Convention, 1926 (No. 23)*

Scope : All vessels registered in the ratifying State and engaged in maritime navigation, except warships, fishing vessels, government vessels not engaged in trade and certain other vessels.

Object : The Convention regulates the rights of seamen to repatriation.

Theme : Any seaman (other than a master, pilot, apprentice, or other person specifically excepted by the Convention) landed during or at the end of his engagement is entitled to be returned either to his own country or to the port of engagement or of departure (as determined by national law), either by being landed there or by being given employment (which is subject to remuneration) on a vessel proceeding there. These provisions also apply to foreign seamen engaged in a port of their country. The right to repatriation of foreign seamen engaged in another country is regulated by national law, or by the articles of agreement. National law must also determine as to who shall bear the cost of repatriation (including transportation, accommodation and food during the journey, and maintenance up to departure), but this shall not be chargeable to seamen left behind on account of injury sustained in service, shipwreck, or illness or discharge not due to any fault of their own. Responsibility for supervising repatriation and advancing expenses to seamen where necessary rests with the country in which the vessel is registered, irrespective of his nationality.

Current Status : The Convention remains of value and 29 States have ratified it.

RECOMMENDATIONS :

E.R. 1—*Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49)*

AND

E.R. 2—*Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109)*

Recommendation No. 49 has been superseded by Recommendation No. 109 and as such is obsolete.

Recommendation No. 109 is supplementary to Convention No. 109. It prescribes a monthly basic pay of £ 25 sterling or U. S. \$ 70, for an able seaman (other than master) employed in mechanically propelled sea-going ships engaged in trade (excluding estuarial craft, fishing vessels and primitive vessels).

The instrument provides a uniform 8 hours work a day at sea and at port, with averaging in case of smaller vessels and of vessels engaged at short voyages. Hourly rate of overtime should not be less than $1\frac{1}{4}$ times the basic pay per hour.

Observations : The instrument is of current interest. In accordance with a resolution adopted by the 55th (Maritime) Session of the Conference in 1970, the Joint Maritime Commission in 1972 recommended a revised basic minimum wage for able seamen, having regard to the fall in the value of money since the adoption of this Recommendation.

E. R. 3—*Repatriation (Ship masters and Apprentices) Recommendation, 1926 (No. 27)*

This is supplementary to Convention No. 23. It requires the national governments to take steps for repatriation of masters and duly indentured apprentices, who are not covered by the Convention.

The instrument continues to be of current value.

F. SAFETY HEALTH AND WELFARE.

CONVENTIONS :

F. C. 1—*Food and Catering (Ships' Crews) Convention, 1946 (No.68)*

Scope : All sea-going commercial cargo or passenger vessels.

Object : The Convention seeks to ensure that food supply and catering arrangements on board are such as to secure the health and well-being of the crews.

Theme : Ratifying States should take steps to promote a proper standard of food supply and catering for the crews of sea-going vessels. Towards this end, in the absence of appropriate collective agreements, where applicable, the competent authority must frame and enforce regulations concerning food and water supplies, catering, construction and equipment of galleys, store rooms, refrigerated chambers and other catering department spaces. The instrument provides for the inspection on shore and at sea, in prescribed conditions, of such supplies, installations and catering arrangements. Provisions must be

made for training, refresher courses, and certification, where prescribed, of the catering staff. The competent authority must undertake research into, and educational and propaganda work concerning, methods of conducting and ensuring a proper food supply and catering service on board ship. A permanent staff of inspectors, empowered to make recommendations for improvements to shipowners or masters, must be maintained, and special inspections must be made on receipt of written complaints (submitted at least 24 hours before sailing time) by a prescribed proportion of the crew or on behalf of shipowners' or seafarers' organisations. An annual report must be prepared and copies of it transmitted to the ILO.

Prior Consultation : The competent authority must work in close co-operation with shipowners' and seafarers' organisations and with appropriate specialised authorities.

Enforcement : Appropriate penalties must be imposed for failure to comply with requirements and attempts to obstruct inspectors.

Current Status : It is of current interest. 16 States have ratified the instrument.

F. C. 2—Accommodation of Crews Convention, 1946 (No. 75)

Convention No. 75 has been superseded by Convention No. 92 and as such is obsolete. It received 5 ratifications and did not come into force.

F. C. 3—Accommodation of Crews Convention (Revised), 1949 (No. 92)

Scope : All sea-going commercial cargo or passenger motor vessels, except fishing, whaling and certain small vessels.

Object : The Convention is designed to ensure that crew accommodation meets certain minimum standards of safety, hygiene and comfort.

Theme : The Convention, which applies to vessels built after their entry into force, lays down general principles and technical standards relating to the location, design and construction of crew accommodation. It deals in particular with ventilation, heating, lighting, sleeping room (location amid ships or aft, minimum floor area and head room, berth arrangements and

size, maximum number of occupants, furniture and equipment), mess room and recreation accommodation, sanitary accommodation, hospital or sick bay accommodation and facilities for washing and drying clothes and for hanging oilskins. It permits a slight reduction in floor space, and change in other requirements to allow for distinctive national habits, on ships where certain groups of ratings are employed.

Exceptions : Provided that the end result is not less favourable than the provisions of the Convention, the competent authority may vary any of the requirements concerning accommodation.

Prior Consultation : In effecting the above variation, organisations of shipowners and seafarers must be consulted. They also must be consulted on certain other points and particularly with regard to any alterations required to bring existing vessels into closer conformity with the Convention on the occasion of re-registration or alteration.

Enforcement : Before construction or alterations involving crew accommodation are begun, the plans must be submitted to the competent authority, who must inspect all vessels on registration or re-registration, after alteration, or following a complaint by a recognised organisation representing a portion of the crew that the accommodation does not comply with the Convention. It also requires the master or his deputy, and at least one crew member, to inspect all crew accommodation at least weekly.

Current Status : It is of current interest and 23 States have ratified it.

F. C. 4—Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)

Scope : All sea-going commercial cargo or passenger motor vessels, except fishing, whaling, ships of less than 1000 tons (where practicable ships between 200 and 1000 tons may be included) and hydrofoils and air-cushion craft.

Object : Aims at supplementing the provisions of the Convention on the subject adopted in 1949, in view of the rapidly changing characteristics of both the construction and the operation of modern ships.

Theme : The Convention provides that the floor area per person of sleeping rooms intended for ratings shall be not less than 3.75 Sq. meters in ships of 1000 to 3000 tons, 4.25 Sq. meters in ships of 300 to 10,000 tons and 4.75 Sq. meters in ships of 10,000 tons or more. The number of ratings occupying sleeping rooms should not exceed two persons per room, except in passenger ships where the maximum number shall be four. Space occupied by berths, lockers, chests of drawers and seats is included in the measurement of floor area. The floor area of mess room for officers and for ratings should not be less than one Sq. meter per person of the planned seating capacity and must be properly furnished and appropriately equipped. Furnished recreation accommodation and smoking room or library room must be provided in ships of 8000 tons or more. The instrument also specifies the number and size of sleeping rooms (varying with the tonnage of the ship), and envisages the provision of bathing, washing and drying facilities, minimum floor area of the head room and adequate lighting arrangements. The Convention permits variation for distinctive religious and social practices, and provides for alterations in the existing ships.

Exceptions : The competent authority may vary any of the requirements concerning accommodation, provided that the end result is not less favourable than the provisions of the Convention.

Prior Consultation : The organisations of shipowners and/or the shipowners and bonafide trade unions of seafarers must be consulted while varying the requirements relating to accommodation, framing regulations ensuring applicability, and making alterations in the existing ships to bring them in conformity with the requirements of the Convention on the occasion of re-registration or alteration.

Enforcement : The Convention provides for adequate inspection and, specifying persons responsible for compliance, and penalties for violations.

Current Status : The Convention has not yet received the required number of ratifications for entry into force. It has received 8 ratifications.

**F. C. 5—*Prevention of Accidents (Seafarers) Convention, 1970*
(No. 134)**

Scope : All persons employed in any capacity on board a ship, except warship.

Object : Aims at providing measures to prevent occupational accidents to seafarers.

Theme : The Convention requires the competent authority in each maritime country to take necessary measures to ensure that occupational accidents are adequately reported and investigated, and that comprehensive statistics are kept and analysed. Research should be undertaken into general trends and into such hazards as are brought out by statistics. Provisions concerning the prevention of occupational accidents should be laid down by law, codes of practice or other appropriate means. The provisions to be covered are specified in the instrument. It requires that the obligation on the shipowner to provide protective equipment should be accompanied by a requirement that the seafarers comply with the relevant accident prevention measures. Provision is made for appointment under the master of crew members responsible for accident prevention. The competent authority should arrange for prevention of occupational accidents and promote the inclusion of instruction in accident prevention and health protection measures in training curricula. The Convention also envisages adoption of measures to bring to the attention of seafarers information concerning particular hazards. Member States are to make effort to cooperate with one another to achieve the greatest possible measures of uniformity of other action for the prevention of occupational accidents.

Prior Consultation : In deciding the categories of persons to be regarded as seafarers and in drawing programme for prevention of accidents, the seamen's and seafarers' organisations must be consulted. They should also be represented in national or local joint accident prevention Committees.

Current Status : It is the most recent standard on the subject and as such is of continuing relevance. 7 States have ratified the Convention so far.

RECOMMENDATIONS :

F. R. 1—*Bedding, Mess Utensils, Miscellaneous Provisions (Ships' Crew) Recommendation, 1946 (No. 78)*

This Recommendation requires the member States to take steps for the supply by the shipowners crew for use on board by members of the crew clean bed linen, blankets, bed spreads of good quality, mess utensils (plates, cups, etc.) of approved material and towels, soaps and toilet paper. In the event of any article not being returned in good condition, fair wear and tear excepted, the member of the crew concerned is to bear the cost.

F. R. 2—*Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140) ;*

AND

F. R. 3—*Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141)*

Both the Recommendations complement the provisions of the Convention on Crew Accommodation adopted in 1949.

Recommendation No. 140 envisages air conditioning of crew accommodation and certain other areas of ships of 1000 tons or more except for those regularly engaged in trades where the climate does not require it, and to investigate the possibilities of extending the facility to ships of less than 1000 tons.

Recommendation No. 141 calls for research into the causes and effects of harmful noise, for its reduction, and protection of seafarers from it. Member States are required to review research into the noise problem so as to establish criteria and standards of protection. Measures to be considered might include provision of ear plugs and/or ear muffs to seafarers in the engine room, locating crew accommodation as far as practicable from noisy machinery and the use of acoustic insulation.

F. R. 4—*Ships' Medicine Chests Recommendation, 1958 (No. 105)*

The Recommendation provides that every vessel engaged in maritime navigation, whether there is a ship's doctor on board or not, should carry a medicine chest, the contents of which should be prescribed by the competent authority,

taking into account a minimum list of medicaments and medical equipment appended to the Recommendation, and reviewed periodically in the light of medical advances. The chest should include a guide explaining to non-physicians how its contents are to be used. Provision should be made for the care and inspection of chests and for custody of restricted medicaments.

Observations : The Joint ILO/WHO committee on the Health of Seafarers, at its Fifth Session (1973), recommended the drawing up, for consideration on its next session, of proposals for amendments to the contents of the ships' medicine chest, in the light of the increasing employment and presence of women in cargo ships and the increasing number of chemical carriers.

F. R. 5—*Medical Advice at Sea Recommendation, 1958*
(No. 106)

The Recommendation urges member States to ensure that free medical advice including where necessary and practicable, specialist advice, by radio is always (any hour of the day or night) available to ships at sea (which should carry a list of radio stations supplying it). Seafarers should be suitably instructed and medical guides kept on board to ensure the information is supplied to the advising doctor in the most useful form.

F. R. 6—*Prevention of Accidents (Seafarers) Recommendation, 1970* (No. 142)

This is supplementary to the Convention No. 134 and goes into detail on some of the other matters covered by the Convention. The instrument indicates the possible areas of research, i. e., working environment ; incidence of accidents in different age groups ; physiological or psychological problems of ship board environment ; physical stress on board ship ; effects of technical problems on the composition of crews ; and human failures like carelessness. In formulating the accident prevention provision, member should have due regard to any Code of Practice concerning the safety and health of seafarers which might have been published by the ILO. The Recommendation envisages the preparation of manuals,

organisation of training programmes and publicity relating to accident prevention, by the joint committees provided for in the Convention. The syllabuses of the instruction in the prevention of accidents provided for in the Convention must be reviewed periodically and adapted. The Recommendation calls for a continuous accident prevention publicity and prescribes different forms of publicity. It also details the forms of international cooperation in the field of accident prevention, e. g., bilateral or multinational arrangements for uniformity in standards ; exchange of information ; assistance in testing of equipment ; collaboration in preparation of manuals, production and use of training aids, and joint facilities or mutual assistance in the training of seafarers.

F. R. 7—*Seamen's Welfare in Ports Recommendation, 1936*
(No. 48)

The Recommendation calls for various measures to protect and promote the welfare of seamen, without distinction of nationality, in ports. These include the creation in important ports of an officially recognised representative body, responsible in particular for collecting information on conditions in the port, suggesting improvements and helping to implement them ; the enactment and enforcement of legislation to protect seamen from various dangers (control of liquor sales and narcotics, repression of soliciting, banning of undesirable persons, accident prevention in dock areas, supervision by police and otherwise, access of foreign seamen to consuls) ; health protection measures, with particular regard to tuberculosis, tropical and venereal diseases (advice or prevention, facilitation of treatment) ; provisions for accommodation, recreation and deposit or remittance to home of savings ; and information of seamen by various media.

F. R. 8—*Seafarers' Welfare Recommendation, 1970 (No. 138)*

This supplements the provision of the Seamen's Welfare in Ports Recommendation, adopted in 1936.

The current Recommendation provides that seafarers' hotel or hostels should be maintained in all ports of interest to international shipping where there is a need for them. Provision is

to be made for accommodating seafarers' families, where necessary and possible and also for maintaining the prices of board and accommodation at a reasonable level. It also lays down that Governments should encourage the free circulation of films, books, newspapers and sports equipment. Efforts are to be made to ensure that seafarers' mail is forwarded safely and speedily. Wherever possible and reasonable, officers and ratings are to be permitted to have their wives, other relatives and friends as visitors on board their vessels when in port and consideration should be given to the possibility of allowing wives to accompany their husbands on an occasional voyage. Granting of leave at home must be encouraged. The instrument also envisages the provision of canteens of board ships for officers and ratings and the establishment of centres providing for meetings and recreation rooms in ports of interest to international shipping, besides organising adequate welfare schemes in a systematic manner.

G. LABOUR INSPECTION

CONVENTIONS : Nil.

RECOMMENDATIONS :

G. R. 1—*Labour Inspection (Seamen) Recommendation, 1926*
(No. 28)

The Recommendation lays down general principles for the inspection of the conditions of work of seamen. Its provisions cover : scope and organisation (enforcement of legislation by inspectors, centralised if possible under a single authority) ; contents of annual inspection reports (including data or enforcement of international labour Conventions) ; rights, powers and duties of inspectors (right to visit vessels without notice, question the crew, make inquiries and consult ship's papers, obligation not to disclose commercial secrets) ; and authorities (power to prohibit vessels from sailing where health or safety of crew is endangered, issue orders and grant exemptions) ; right of master and crew to call for inspection ; co-operation of shipowners' and seamen's organisations (reporting of infringements, consultation, joint committees) ; qualifications and status of inspectors (who should be independent

public servants without any financial interest in undertakings inspected) and ancillary duties (participation in accident inquiries and in elaboration of legislation on protection of seamen).

Possibility for further action : Certain other instruments relating to seafarers also provide for maintenance of arrangements for inspection, such as the Conventions on crew accommodation (Nos. 92 and 133) and on prevention of accident (No. 134). No recent studies have been made regarding the effect given to Recommendation No. 28 in national law and practice or its adequacy in present-day conditions. As such the desirability of further measures in the field merits examination.

H. SOCIAL SECURITY

CONVENTIONS :

H. C. 1—*Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)*

Scope : All vessels engaged in maritime navigation (excluding warships).

Object : Aims at providing indemnity in case of shipwreck.

Theme : The Convention provides that in case of loss or foundering of a vessel, the owner or other responsible employer must pay to all persons employed on board, for each day of ensuring unemployment, an indemnity equivalent to their daily wage; the total indemnity may be limited to two months' wages.

Enforcement : The remedies for recovering arrears of wages also apply to the recovery of indemnities.

Current Status : It remains of current interest. 42 States have ratified the Convention.

H. C. 2—*Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)*

Scope : All vessels engaged in maritime navigation, other than warships.

Object : The Convention defines the liability of shipowners in case of sickness, injury or death of any person employed on board.

Theme : Shipowners are liable to provide medical treat-

ment, including the supply of medicines and appliances, and board and lodging to a sick or injured employed person, until he is cured or his condition is declared to be permanent. Persons incapacitated for work are entitled to full wages on board, and once landed, if they have dependents, to full or partial wages (as prescribed by national legislation) until they are cured or declared permanently unfit. National legislation may, however, limit the period of liability for medical care and maintenance, and remuneration of landed seamen, to not less than sixteen weeks (from the day of the injury or the commencement of the sickness). Shipowners must also defray the expense of repatriating persons (to the port at which he was engaged, or the port at which the voyage commenced, or a port in his own country or another port mutually agreed upon) landed owing to sickness or injury, and the burial expenses in case of death of board, or death on shore of a person entitled to medical care and maintenance. They are responsible for safeguarding property left on board by such persons.

Exceptions : National laws may exempt certain small or special vessels as well as persons not employed by the shipowner, pilots, members of shipowners' family, persons engaged in ports solely in repairing, cleaning, loading or unloading vessels. Shipowners may be exempted from liability to the extent that the persons concerned becomes entitled to medical or disability benefits under a compulsory insurance scheme in force in the territory of registration of the vessel, or that the public authorities assume liability for medical care and maintenance, repatriation or burial expenses. Injury incurred when not in service or through a deliberate fault, or intentionally concealed on engagement, may be excluded.

Enforcement : Provisions must be made for the rapid and inexpensive settlement of disputes concerning the liability of shipowners under the Convention.

Current Status : The instrument remains of current value. 13 States have ratified the Convention.

H. C. 3—*Sickness Insurance (Sea) Convention, 1936 (No. 56)*

Scope : All vessels engaged in maritime navigation (except warships) or sea-fishing.

Object : The Convention requires masters, crew members and other persons serving in a ship to be insured under a compulsory sickness insurance scheme.

Theme : An insured person is entitled for a cash benefit (at a rate not lower than that fixed by any general insurance scheme) for temporary loss of earning power, by reason of sickness. This is payable during at least the first 26 weeks or 180 days of incapacity (it may be withheld to the extent that other compensation is received), besides medical treatment, including medicines and appliances (that insured person may be required to pay part of the cost), or hospitalisation. Cash benefit may also be withheld if the person is on board or abroad or is being maintained from public funds ; in the two latter cases, it must be paid to his family (additional family benefits or aid to sick dependents may be provided). In the absence of a survivors' pension scheme, a death benefit must be paid. Maternity benefit may be paid to insured women, or wives of insured seafarers. Entitlement to benefit must continue during normal intervals between engagements. Sickness insurance schemes must be administered by State-supervised, non-profit-making, self-governing institutions, of failing that, by the State, and financed jointly by the insured persons and their employers, possibly with State contributions.

Exceptions : Pilots, persons falling outside certain age or income limits, and certain other persons may be excluded.

Prior Consultation : Insured persons and their employers must participate in the management of insurance institutions for seamen.

Enforcement : In case of disputes concerning their entitlement to benefit, insured persons must have a right to appeal, and the appeal procedure must be rapid and inexpensive for them.

Current Status : The revision of this Convention has been recommended by the Committee of Social Security Experts. It has received 11 ratifications.

H. C. 4—*Social Security (Seafarers) Convention, 1946*
(No. 70)

Scope : All sea-going vessels, except warships.

Object : The Convention aims at regulating the entitlement of social insurance benefits of seafarers.

Theme : Seafarers who are resident and present in the territory of a member State are entitled to medical disability, unemployment and old age benefit, on conditions not less favourable than those, if any, applying to industrial workers. Where the industrial workers do not receive cash benefit for incapacity or death, a minimum protection to seafarers and their dependents must be ensured, having regard to the standard of living in the territory and their needs. A seafarer left behind owing to injury incurred in service or sickness is entitled to medical care and board until he is cured or repatriated ; to board and lodging until he can obtain employment or is repatriated ; and to repatriation, as well as to an allowance equal to his full wage, payable for a maximum period of not less than 12 weeks, after which he is entitled to workmen's compensation. Arrangements must be made for maintenance of rights in course of acquisition by persons transferred from seafarers' to shore workers' insurance schemes or vice-versa. National laws and regulations must ensure equality of treatment, regardless of nationality, race, and in certain cases of residence. Member States may enter into reciprocal agreements to facilitate continuity of insurance and eliminate double contribution and benefit.

Exceptions : Member States can exempt fishing boats and certain other small or special vessels and pilots or persons employed in port who are not ordinarily employed at sea and persons not employed by the shipowner (except radio officers or operators and catering staff). Public employees and crew members of sealing, whaling or non-commercial vessels, in particular, may be excluded to the extent that they are covered by other arrangements.

Current Status : It is of current interest. However it has not received the required number of ratifications for entry into force. 7 States have ratified the Convention.

H. C. 5—*Seafarers' Pensions Convention, 1946 (No. 71)*

Scope : All sea-going vessels, except warships.

Object : The Convention requires the payment of retirement pensions to persons ordinarily employed on board.

Theme : Pension schemes must provide either for payment as from the age of 55 or 60 of benefit representing not less than the aggregate of 1.5 per cent or 2 per cent respectively of the pensionable remunerations for each year of service, or for pensions financed by a total premium income of not less than 10 per cent of total pensionable remuneration, account being taken in either case of any other social security pension payable. Seafarers must not contribute more than half of the cost of pensions payable. Provision must be made for maintenance of rights in course of acquisition or compensation for contributions paid by persons leaving the scheme.

Exceptions : Fishing and sealing vessels, non-commercial vessels and certain other small vessels could be exempted. Foreign nationals, non-residents, self-employed persons, public employees otherwise covered, and whaling industry workers covered by special agreements, may be excluded from coverage.

Prior Consultation : Shipowners and seafarers contributing to schemes are entitled to be represented in their management.

Enforcement : A right of appeal in the event of disputes should be granted.

Current Status : It is of current interest and 9 States have ratified it.

RECOMMENDATIONS :

H. R. 1—*Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10)*

This instrument is adopted with a view to extending the provision of Part-III (unemployment insurance) of Unemployment Recommendation, 1919 (No. 1) to seamen.

The instrument requires the member States to establish for seamen an effective system of insurance against unemployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of subventions to industrial organisations whose rules provide for the payment of benefits to their unemployed members.

H. R. 2—*Seafarer's Social Security (Agreement) Recommendation, 1946 (No. 75)*

AND

H. R. 3—*Seafarer's (Medical Care for Dependents) Recommendation, 1946 (No. 76)*

These are supplementary to Convention No. 70.

Recommendation No. 75 provides for the conclusion between members States of agreements ensuring that seafarers belonging to one country are serving on a vessel of another country are covered by the social insurance and workmen's compensation schemes of either the former or the latter country, and for the extension to non-resident seafarers of supplementary benefits secured in collective agreements.

Recommendation No. 76 urges member States to provide adequate medical care for the dependents of seafarers, pending the development of a general medical care service, which would include within its scope workers generally and their dependents.

I. FISHERMEN

CONVENTIONS :

I. C. 1—*Minimum Age (Fishermen) Convention, 1959 (No. 112)*

Scope : Employment on all vessels engaged in maritime fishing on the open sea.

Object : Prescribes minimum age for admission to employment as fishermen.

Theme : Children under the age of 15 years are neither to be employed nor permitted to work on fishing vessels. National laws may permit children of 14 years to be employed when an educational or other appropriate authority is satisfied that the employment will benefit the child. A minimum age of 18 years for trimmers and stokers on fishing vessels is prescribed.

Exceptions : The provisions do not apply to duly supervised work on training ships. Children below 15 years are also

permitted to take part occasionally in the activities on board fishing vessels during school holidays subject to certain conditions.

Current Status : Even though this Convention has been revised by Convention No. 138, (Minimum age Convention, 1973) yet it is open for ratification. Further, the ratification of Convention 138 by a State already a party to Convention No. 112 involves the denunciation of the latter only if equivalent obligations are accepted under the revising Convention. 30 States have ratified the Convention.

I. C. 2—*Medical Examination (Fishermen) Convention, 1959*
(No. 113)

Scope : All vessels engaged in maritime fishing on the open sea except fishing in port and harbours or in estuaries of rivers or to individuals fishing for sport or recreation.

Object : It aims at providing measures for medical examination of seafarers.

Theme : No person should be employed on board unless he produces medical certificate of fitness for work at sea. The nature of medical examination and the particulars to be included in the medical certificates are to be determined by the competent authority, having regard to the age of the person and the duties involved. The medical certificate must also attest that the person is not suffering from diseases likely to be aggravated by, or to render him unfit for, service at sea or endanger the health of others. The validity of the certificate is to be fixed by the competent authority in case of persons above 21 years of age and for persons below 21 years the period of validity will not exceed one year. If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue to be in force until the end of that voyage. Persons who have been refused a certificate may apply for a further examination by an independent medical referee or referees.

Exceptions : Vessels which do not normally remain at sea for a period of more than 3 days can be exempted.

Prior Consultation : Competent authorities must consult fishing boatowners and fishermen's organisations concerned

before deciding the details of medical examination and certificate and also in granting exemption to vessels.

Current Status : It is of current interest. 19 States have ratified the Convention.

I. E. 3—*Fishermen's Articles of Agreement Convention, 1959*
(No. 114)

Scope : All maritime fishing vessels.

Object : It is designed to regulate articles of agreement and ensure their conclusion with adequate safeguards.

Theme : The articles of agreement must be signed by the owner of the fishing vessels or his representative and the fisherman, under prescribed conditions. Reasonable facilities should be afforded to the fisherman to examine the articles of agreement before they are signed and provisions are to be made to ensure that the fisherman had understood the agreement. The agreement should not contain any provisions by which the parties contract to depart from the ordinary rules of jurisdiction, or which are contrary to national law or the Convention. The agreement which may be made for a voyage or for a definite period or, if permitted by national law, for an indefinite period should specify the rights and obligations of each of the parties and must contain prescribed details including in particular the capacity in which the fisherman will be employed, amount of his wages, and scale of provisions to be supplied to him and the conditions of termination (which takes place automatically by mutual consent, or through the death of the fisherman, or loss of the fishing vessel). The circumstances in which a fisherman may be given or request immediate discharge should be determined by the national law, or by collective or individual agreements. Information relating to conditions of employment must be available on board. A record of employment must be maintained for every fisherman and made available to him or entered in his service book.

Exception : Competent authorities may exempt certain fishing vessels from the application of the provisions of the Convention and accept collective agreements in lieu of individual agreements under the Convention. The term fisherman does

not include pilot, cadets, and duly indentured apprentices, naval ratings and permanent Government servants.

Prior Consultation : The fishing boatowner's and fishermen's organisations must be consulted, where they exist, before granting exemption to certain fishing vessels.

Current Status : It is of current interest and 18 States have ratified it.

**I.E. 4—*Fishermen's Competency Certificates Convention, 1966*
(No. 125)**

Scope : All vessels engaged in commercial maritime fishing, except whaling ships, fishing vessels for sport or recreation, and vessels under 25 tons. Vessels engaged in shore fishing may be exempted.

Object : The Convention regulates the certification of skippers, mates and engineers on board a fishing vessels.

Theme : All vessels must carry a certificated skipper, vessels over 100 tons must also carry a certificated mate; and all vessels above a prescribed engine power determined by the competent authority must also carry a certificated engineer (unless the skipper or mate holds an engineer's certificate). The minimum age and period of sea service for the issue of certificates of competency is 20 and 4 years for skippers, 19 and 3 years for mates, and 20 and 3 years for engineers. A lower age (minimum 18 years) may be authorised for inshore service on small low-powered vessels, and the period for issue of an engineer's certificate may be reduced to 12 months for the small fishing vessels. For persons having completed an approved training course, the periods of sea service may be reduced by the period of training, but in no case more than 12 months. For certificated skippers or mates a shorter qualifying sea service may be prescribed. The competent authority must organise and supervise the compulsory qualifying examinations (the general subject-matter of which is indicated). These may be waived during the first 3 years after ratification in respect of persons who have had sufficient experience of the duties involved.

Exceptions : A fishing vessel may put to sea without the full complement of certificated personnel if no substitutes

are available, and the competent authority considers it safe to do so.

Prior Consultation : The competent authority must consult fishing vessel owners' and fishermen's organisations, when they exist, regarding the exemption of inshore fishing vessels, the engine powers to be prescribed, the period of service, if any, as a mate required to qualify as a skipper, and the qualifying period for engineers on small vessels.

Enforcement : Provision must be made for inspection, the detention of vessels found in breach of the regulations, and penalties, especially in cases involving the hiring of, or misrepresentation by, uncertificated personnel.

Current Status : It is of current value and 8 States have ratified it.

I. C. 5—*Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)*

Scope : All sea-going vessels engaged in maritime fishing except whaling vessels, fishing vessels for sport or recreation, vessels primarily propelled by sail, and vessels below 75 tons or under 80 feet long.

Object : It seeks to ensure a certain minimum standards of safety, hygiene and comfort in respect of crew accommodation.

Theme : The Convention which applies to vessels built after their entry into force, lays down chief principles and technical standards relating to the location, design and construction of crew accommodation. It deals in particular with ventilation, heating, lighting, sleeping room (location amidship or aft, minimum floor area and head room, berth arrangements and size, maximum number of occupants, furniture and equipment), mess room and recreation accommodation, sanitary accommodation, hospital or sick bay accommodation, and facilities for washing and drying clothes and for hanging oilskins.

Exceptions : Provided that the end result is not less favourable than the provisions of the Convention, the competent authority may vary any of the requirements concerning accommodation.

Prior Consultation : In effecting the above variation, the

organisations of shipowners and fishermen must be consulted. They also must be consulted on certain other points and particularly with regard to any alterations required to bring existing vessels into closer conformity with the Convention on the occasion of re-registration or alteration.

Enforcement : Before construction or alteration involving crew accommodation are begun the plans must be submitted to the competent authority, who must inspect all vessels on registration or re-registration, after alteration, or following a complaint by a recognised organisation representing a portion of the crew that the accommodation does not comply with the Convention.

Current Status : It is of current interest and 10 States have ratified it.

RECOMMENDATIONS :

I. R. 1—*Hours of Work (Fishing) Recommendation, 1920 (No. 7)*

It requires the member States to enact legislation limiting the hours of work for all workers employed in the fishing industry in the direction of 8 hours a day and 48 hours a week, with such special provision as may be necessary to meet the conditions peculiar to the fishing industry. While framing such legislation, fishing vessels and fishermen's organisations should be consulted.

I. R. 2—*Vocational Training (Fishermen) Recommendation, 1966 (No. 126)*

The Recommendation deals with the provision of training and retraining facilities to facilitate the pursuit of a career in, and improve the efficiency and status of, the fishing industry. Such facilities, whether public or private, should be developed under national programmes planned in co-operation with fishing vessel owners' and fishermen's organisations and specialised institutions. Persons trained should be able to obtain employment or to acquire a vessel individually or through co-operative schemes. Private training programmes should be subsidised as necessary and public programmes

should be available without charge. Other provisions deal with the training standards to be defined by the competent authority, covering age of entry, medical examinations, educational, level, course curricula (including higher-level training of skippers and engineers), examinations and qualification of teaching staff; pre-vocational training; short courses for working fishermen and measures to facilitate attendance; training methods (with the accent on practical training in suitably equipped vessels); and international co-operation to promote training of fishermen, particularly in developing countries (supply of teaching staff, joint facilities, training abroad, exchanges of personnel). The Recommendation does not apply to the whaling industry and vessels used for fishery research and fishery protection.

POSSIBLE SUBJECTS FOR NEW STANDARDS

Following are some of the subjects for adoption of new standards :

General

1. Continuity of employment of seafarers.
2. Sub-standard vessels, particularly those registered under flags of convenience.
3. Industrial relations in the shipping industry.
4. Social problems arising from new technology on board ships.

General Conditions of Employment.

1. Protection of young seafarers.

Fishermen

1. Stabilisation of fishermen's employment and earnings.
2. Working hours.
3. Manning standards.
4. Pensions.
5. Sickness insurance.
6. Holidays with pay.
7. Medical care on board.
8. Repatriation.

Inland Boatmen

1. Certificates of competency of inland boatmen.
2. Minimum age for admission to employment.
3. Medical examination.
4. Vocational training.

ABSTRACT

SEA FARERS

(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications Received	Remarks
1.	9	Placing of Seamen	1920	30	
2.	22	Seamen's Articles of Agreement	1926	44	
3.	108	Seafarers' Identity Documents	1958	32	
4.	7	Minimum Age (Sea)	1920	43	Since Revised
5.	58	Minimum Age (Sea) (Revised)	1936	46	Since Revised
6.	15	Minimum Age (Trimmers and Stokers)	1921	60	Since Revised
7.	16	Medical Examination of Young Persons (Sea)	1921	61	
8.	73	Medical Examination (Seafarers)	1946	23	
9.	53	Officers' Competency Certificates	1936	25	
10.	69	Certification of Ships' Cooks	1946	21	
11.	74	Certification of Able Seamen	1946	18	
12.	57	Hours of Work and Manning (Sea)	1936	4	Not come into force. Since Revised
13.	76	Wages, Hours of Work and Manning (Sea)	1946	1	Not come into force. Since Revised
14.	93	Wages, Hours of Work and Manning (Sea) (Revised)	1949	5	Not come into force. Since Revised

ABSTRACT (Continued)

Sr. No.	Convention number	Title	Year of adoption	Number of ratifications received	Remarks
15.	109	Wages, Hours of Work and Manning (Sea) (Revised)	1958	8	Not come into force.
16.	54	Holidays with Pay (Sea)	1936	6	Not come into force. No longer open to ratification
17.	72	Paid Vacations (Seafarers)	1946	5	Not come into force. No longer open to ratification
18.	91	Paid Vacations (Seafarers) (Revised)	1949	18	
19.	23	Repatriation of Seamen	1926	29	
20.	68	Food and Catering (Ships' Crews)	1946	16	
21.	75	Accommodation of Crews	1946	5	Not come into force. No longer open to ratification
22.	92	Accommodation of Crews (Revised)	1949	23	
23.	133	Accommodation of Crews (Supplementary Provisions)	1970	8	Not come into force.
24.	134	Prevention of Accidents (Seafarers)	1970	7	
25.	8	Unemployment Indemnity (Shipwreck)	1920	42	
26.	55	Shipowners' Liability (Sick and Injured Seamen)	1936	13	
27.	56	Sickness Insurance (Sea)	1936	11	
28.	70	Social Security (Seafarers)	1946	7	Not come into force.
29.	71	Seafarers' Pensions	1946	9	
30.	112	Minimum Age (Fishermen)	1959	30	Since Revised.
31.	113	Medical Examination (Fishermen)	1959	19	
32.	114	Fishermen's Articles of Agreement	1959	18	
33.	125	Fishermen's Competency Certificates	1966	8	
34.	126	Accommodation of Crews (Fishermen)	1966	10	

RECOMMENDATIONS :

S. No.	Recom- mendation number	Title	Year of adoption
1.	9	National Seamen's Codes	1920
2.	107	Seafarers' Engagement (Foreign Vessels)	1958
3.	108	Social Conditions and Safety (Seafarers)	1958
4.	139	Employment of Seafarers (Technical Developments)	1970
5.	77	Vocational Training (Seafarers)	1946
6.	137	Vocational Training (Seafarers)	1970
7.	49	Hours of Work and Manning (Sea)	1936
8.	109	Wages, Hours of Work and Manning (Sea)	1958
9.	27	Repatriation (Ship Masters and Apprentices)	1926
10.	78	Bedding, Mess Utensils, Miscellaneous Provisions (Ships' Crews)	1946
11.	140	Crew Accommodation (Air-Conditioning)	1970
12.	141	Crew Accommodation (Noise Control)	1970
13.	105	Ships' Medicine Chests	1958
14.	106	Medical Advice at Sea	1958
15.	142	Prevention of Accidents (Seafarers)	1970
16.	48	Seamen's Welfare in Ports	1936
17.	138	Seafarers' Welfare	1970
18.	28	Labour Inspection (Seamen)	1926
19.	10	Unemployment Insurance (Seamen)	1920
20.	75	Seafarers' Social Security (Agreements)	1946
21.	76	Seafarers (Medical Care for Dependents)	1946
22.	7	Hours of Work (Fishing)	1920
23.	126	Vocational Training (Fishermen)	1966

CHAPTER—X

INDIGENOUS AND TRIBAL POPULATIONS, MIGRANT AND PLANTATION WORKERS

I

INDIGENOUS AND TRIBAL POPULATIONS

THERE EXIST in various independent countries indigenous and tribal and semi-tribal populations which are not yet integrated into the national community and whose social, economic or cultural situation is a hindrance to their benefiting fully the rights and advantages enjoyed by other elements of the population. Appropriate measures have to be taken by the country concerned to assure the protection of the populations concerned, their progressive integration into national community and the improvement of their living and working conditions. The ILO has formulated standards with the co-operation of the United Nations, the Food and Agriculture Organisation, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, at appropriate levels and in their respective fields. It also seeks their continued co-operation in promoting and securing the application of these standards.

6 Conventions and 3 Recommendations have been adopted in this field. They are :—

Recruiting of Indigenous Workers Convention, 1936 (No. 50) ;
Elimination of Recruiting Recommendation, 1936 (No. 46) ;
Contracts of Employment (Indigenous Workers) Convention
(No. 62) and Recommendation (No. 58), 1939 ;
Penal Sanctions (Indigenous Workers) Convention, 1939
(No. 65) ;
Contracts of Employment (Indigenous Workers) Convention,
1947 (No. 86) ;
Abolition of Penal Sanctions (Indigenous Workers) Convention,
1955 (No. 104) ;

AND

Indigenous and Tribal Populations Convention (No. 107) and
Recommendation (104), 1957.

CONVENTIONS :

*C. 1—Recruiting of Indigenous Workers Convention, 1936
(No. 50)*

Scope : Workers belonging to indigenous populations of dependent territories or dependent indigenous populations of home territories.

Object : The Convention seeks to regulate the recruiting of workers who do not spontaneously offer their services for employment.

Theme : Before approving schemes involving recruitment or granting permission therefor, the competent authority should take steps to protect the population from the attendant risks (undue pressure by employers, social and economic disruption, adverse effect on development and family life), in particular by limiting recruitment of adult males and encouraging recruited workers to take their families with them. Non-adults may be recruited only in prescribed conditions. Recruiters, whether professional or otherwise, (except for worker recruiters fulfilling specific requirements), may operate only under licence, issued subject to certain conditions and guarantees and renewable yearly : their assistants must have permits. Chiefs or other indigenous authorities may not participate in recruiting, nor may public officers, save for the execution of public contracts. Recruited workers must appear before a public officer, who must verify the absence of undue pressure, misrepresentation or other illegalities. They should be medically examined, and must where necessary be issued with a work-book or similar document. Recruiters or employers must meet the travel expenses of workers and where possible provide transport. The competent authorities should ensure that prescribed health and welfare facilities are provided on the way and that advances of wages to workers are limited. By means of suitable agreements or otherwise, the workers recruited for employment in a territory under another administration should be adequately protected.

Exceptions : Non-professional recruiting for employers employing a limited number of workers, or undertaken within a limited distance from the place of employment, or relating

to servants or non-manual workers, may be exempted from the provisions of the Convention.

Current Status : 27 States have ratified the instrument and it is of only *limited interest* since recruitment of the kind envisaged in the Convention, to a large extent, is absent.

C. 2—Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)

Scope : Workers belonging to indigenous populations of dependent territories or dependent indigenous populations of home territories.

Object : The Convention regulates the issue and essential provisions of contracts of employment for manual work.

Theme : Contracts concluded for six months or more and stipulating conditions thereof should be made in writing. They must contain specified particulars, and should be attested by a public officer under conditions prescribed. It must also be registered by the competent authority, who must issue a copy (or equivalent document) to the worker in proof. Workers entering into contracts must be medically examined. Non-adults may conclude contracts only under conditions prescribed and only for approved occupations. Transfer of contracts from one employer to another is subject to the consent of the worker and endorsement by a public officer. The maximum period of service under any contract and the leave granted, if any, must be prescribed ; re-engagement contracts must be for generally shorter periods than initial contracts, and where the total of both exceeds eighteen months, workers separated from their families must, where possible, be given home leave with travel paid before re-engagement. Summaries in familiar languages of regulations governing contracts must be made available to employers and workers. Other detailed provisions cover the conditions of termination of contracts and the right of the worker and his family to repatriation at the employer's expense ; the standards to be met by transport and welfare facilities on the way ; and arrangements for applying the Convention when a worker is recruited in one territory for employment in a territory under another administration.

Exceptions : The Convention does not apply to contracts

of apprenticeship made in certain specified conditions. It may be waived for certain categories of indigenous employers, or where occupancy or use of land is the main remuneration. The requirement concerning medical examination may be waived in the case of small agricultural undertakings, or agricultural or other safe employment near the worker's home.

Current Status : 25 States have ratified the Convention. However, the instrument is of only a limited value, since long-term contracts of the kind dealt with in the instrument have to a large extent disappeared.

C.3—Penal Sanctions (Indigenons Workers) Convention, 1939 (No. 65) ;

AND

C.4—Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)

Scope : Workers belonging to indigenous populations of dependent territories or dependent indigenous populations of home territories.

Object : The Conventions aim at abolishing penal sanctions for breaches of contracts of employment by indigenous workers.

Theme : Ratifying states should abolish penal sanctions for breaches of contract by indigenous workers, involving refusal or failure to perform work, neglect of duty or lack of diligence, absence without permission or reason, or desertion. Whereas Convention No. 65 calls for immediate abolition of penal sanctions in the case of non-adult workers below a prescribed age, and progressive abolition as soon as possible in all other cases, Convention No. 104 specifies that penal sanctions must be abolished in all cases not later than one year from the date of ratification. It also provides that penal sanctions for other kinds of breaches of contracts of employment which do not apply to non-indigenous workers must be abolished for indigenous workers.

Current Status : Convention No. 65 has been substantially duplicated by Convention No. 104, even if not formally revised. It has received 28 ratifications. Convention No. 104 has received 23 ratifications.

C. 5—*Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)*

Scope : Workers belonging to indigenous populations of non-metropolitan territories.

Object : The Convention regulates the maximum length of contracts of employment.

Theme : Ratifying States must prescribe the maximum period of service which may be stipulated or implied in contracts of employment. This period must not exceed twelve months, or two years if a long and expensive journey is involved (two and three years respectively if workers are accompanied by their families). Where contracts made in one territory relate to employment in another territory, the period of service must not exceed the maximum prescribed in either territory, and the respective authorities must conclude agreements as necessary concerning the application of the Convention.

Exceptions : Contracts involving either literate workers whose freedom of choice in employment is satisfactorily safeguarded, certain categories of indigenous employers, or occupancy or use of land as the main remuneration, may be excluded from the application of the Convention.

Prior Consultation : Before excluding contracts involving literate workers, the competent authority must consult the representative employers' and workers' organisations.

Current Status : 19 States have ratified the Convention. The instrument is only of *limited interest* since the kind of long-term contracts envisaged in the Convention are not now in vogue.

C. 6—*Indigenous and Tribal Populations Convention 1957 (No. 107)*

Scope : Socially and economically less-advanced indigenous, tribal or semi-tribal populations in independent countries.

Object : The Convention seeks to improve the conditions of work and life, promote the progressive integration and assure the protection of these populations.

Theme : With the collaboration of the populations concerned, States should take measures to promote these aims, so

that these populations may enjoy all the rights, liberties and opportunities enjoyed by other citizens. In so doing, individual dignity and initiative must be fostered and coercion excluded. Due account should be taken of established values, institutions and customary laws. The exaction of personal services must be prohibited, safeguards must be afforded against improper detention, and rehabilitation must be preferred to imprisonment. Ownership by these populations of land traditionally occupied by them must be recognised and protected and they may be removed therefrom only for specified reasons and subject to the grant of equivalent land in exchange and compensation for losses suffered. Indigenous workers should be protected as regards conditions of recruitment and employment, and discrimination. They must have access to general and special vocational training facilities; handicrafts and rural industries must be encouraged. Social security and health services, and suitable educational programmes, must be provided, including the general knowledge and skills needed for integration, with a transition from the vernacular to a national language. Finally, States should make their rights and duties known to the population and create or develop agencies to administer the programmes devised for them.

Current Status : The Convention has been ratified by 25 States and the instrument retains its full value.

RECOMMENDATIONS :

R. 1—*Elimination of Recruiting Recommendation, 1936* (No. 46)

The Recommendation supplements the provisions of Convention No. 50. It requires the member States to take steps to hasten the elimination of the recruiting of labour by improving the conditions of labour, developing means of transport, promoting settlement of workers and their families in the area of employment and facilitating the voluntary movement of labour under supervision. Steps are to be taken also for the educational development of indigenous peoples and the improvement of their standard of living.

Observation : The instrument is of limited interest.

R. 2—*Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58)*

This instrument has been superseded by *Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)*

R. 3—*Indigenous and Tribal Populations Recommendation, 1957 (No. 104)*

This is supplementary to Convention No. 107 and provides further detailed measures concerning the regulation of the use of land; recruitment and conditions of employment, vocational training, handicrafts and rural industries, social security and measures of assistance, health, education, use of vernacular languages and audio-visual aids, tribal groups in frontier zones and administrative arrangements. The instrument retains full value.

II

MIGRANT WORKERS

International migration is an important feature of the present times and it has reached unprecedented proportions in some regions. In Europe alone the number, including families, is estimated to become 11 million. There are also considerable number of migrant workers in Africa and Latin America. While the home countries wonder the extent and implications of migration, the host countries seem to experience the problem of social adjustment. Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights assure the right of every one to leave any country, including his own, and to enter his own country, the Declaration of Philadelphia recognises the solemn obligation of the ILO to further programmes which will achieve in particular full employment through "the transfer of labour, including for employment". However, the social consequences of this situation are familiar. Migrants meet with considerable difficulties in finding housing, bringing their families with them and even in finding the right kind of work. Regulations sometimes limit their work possibilities and often their professional qualifications fail to meet the requirements of their chosen country.

The Preamble of the Constitution of the International Labour Organisation assigns to it the task of protecting "the interests of workers when employed in countries other than own" and the ILO is carrying out this mandate through the adoption of a number of standards to protect and promote the interests of migrant workers.

Four Conventions and seven Recommendations have been adopted on the subject. They are :—

- Reciprocity of Treatment Recommendation, 1919 (No. 2) ;
- Inspection of Emigrants Convention, 1926 (No. 21) ;
- Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26) ;
- Migration for Employment Convention (No. 66) and Recommendation (No. 61), 1939 ;
- Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62) ;
- Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949 ;
- Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100) ;
- Migrants Workers (Supplementary Provisions) Convention, 1975 (No. 143) ;
- Migrant Workers Recommendation, 1975 (No. 151).

CONVENTIONS :

C. 1—*Inspection of Emigrants Convention, 1926 (No. 21)*

Scope : All vessels carrying emigrants.

Object : The Convention is designed to simplify the inspection of emigrants on board ship.

Theme : Ratifying States are required to ensure that inspections on board for the protection of emigrants are made by only one government (other governments may appoint an observer to accompany their emigrant nationals). The official inspector, if any, placed on board should normally be appointed by the government of the country of registration, unless otherwise agreed with the governments whose nationals are emigrating, and is responsible for ensuring observance of emigrants' rights under national or international law, or trans-

portation contracts. He must be independent of the shipping company and may not encroach on the master's authority. He must receive communication of all relevant legislation from the government of the country of registration, and must report to it (with copies to the master and to other governments concerned so requesting) within eight days after arrival at destination.

Exception : In case of necessity, the ship's doctor may be appointed as official inspector.

Current Status : The instrument is *no longer* of current interest. 31 States have ratified the Convention.

C. 2—*Migration for Employment Convention, 1939 (No. 66)*

Convention No. 66 has been revised by Convention No. 97 and is not in force and is closed to ratification. It is therefore obsolete. Not a single State had ratified it.

C. 3—*Migration for Employment Convention (Revised), 1949 (No. 97)*

Scope : Migrant workers, other than frontier workers and seamen (short-term entry by artists and members of the liberal profession is not covered).

Object : The Convention seeks to regulate the recruitment, placement, and conditions of work and life of migrants for employment.

Theme : Ratifying States should make information available to other States and to the ILO concerning national policies, legislation, special provisions and agreements relating to migrants for employment. They must maintain free information and employment services for the latter, ascertain that they and their families are in good health, and provide medical services during the journey and otherwise facilitate their departure. Ratifying States must further apply to them, without discrimination of any kind, treatment no less favourable than is applied to nationals in respect of remuneration, trade union membership, accommodation, social security, taxation and related legal proceedings. Permanently admitted migrants, and their families, may not be forced to return to their home country on account of incapacity due to illness or accident sustained after

entry. They must be allowed to transfer part of their earnings or savings, subject to general currency regulations. Three annexes to the Convention, which may be excluded from ratification, lay down further provisions concerning the employment of migrants recruited under government sponsored group schemes, migrants recruited otherwise, and importation by migrants of personal effects, tools and equipment.

Current Status : It is of current interest. 30 States have ratified the Convention.

C. 4—Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Scope : Migrant workers other than frontier workers, and seamen (short-term entry by artists and number of liberal professions, persons on training or education, and employees on specific assignments is not covered).

Object : The Convention aims at promoting equality of opportunity and treatment, and eliminating abusive conditions of migrant workers.

Theme : The Convention is in two parts, i.e., migrations in abusive conditions (Part I) and equality of opportunity and treatment (Part II) and the ratifying States are permitted to exclude either of the parts from acceptance. They are required to take appropriate measures for effective detection and suppression of illegal employment of migrants and their family members, clandestine movements, and to take action against the organisers of such activities including their prosecution. Migrants who have resided legally in the territory for the purpose of employment will not be treated as illegal migrant by the mere fact of the loss of employment and would be entitled for treatment at par with the nationals in respect of security of employment, alternative employment, relief work and training. The ratifying members are required to promote and guarantee equality of opportunity and treatment for migrant workers and their family members in respect of employment and occupations of social security, of trade union and cultural rights, and of individual and collective freedoms. For wider acceptance of this principle the instrument suggests adoption of a number of measures including legislation, educational programmes, and

repealing statutory provisions that are inconsistent with the policy. Steps should be taken to preserve the national and ethnic identity of migrants, encourage maintenance of cultural ties with their countries of origin and facilitate the reunification of the families of all migrant workers. The instrument provides for free choice of employment under certain conditions and permits States to restrict access to limited categories of employment if it is necessary in the interest of the State.

Prior Consultation : The representative organisations of employers and workers should be consulted in detecting illegal migrant employment and while framing regulations to eliminate abusive conditions of migrant workers.

Enforcement : Administrative, civil and penal sanction must be defined in respect of illegal employment of migrant workers.

Current Status : The Convention has been adopted only in 1975 and it has not come into force. It supplements the Migration of Employment Convention (Revised), 1949 (No. 97) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

RECOMMENDATIONS :

R. 1.—*Reciprocity of Treatment Recommendation, 1919*
(No. 2)

This has been superseded by the standards of 1949 i. e. Convention No. 97 and Recommendation No. 86.

R. 2—*Migration (Protection of Females at Sea) Recommendation, 1926* (No. 26)

The Recommendation is *no longer* of current interest. Provision concerning measures to safeguard the welfare of migrant workers and their families during the journey and in particular on boardship, are contained in Convention No. 97.

R. 3—*Migration for Employment Recommendation, 1939*
(No. 61) ;

R. 4—*Migration for Employment (Co-operation between States) Recommendation, 1939* (No. 62)

AND

R. 5—*Migration for Employment Recommendation (Revised), 1949* (No. 86)

Recommendation Nos. 61 and 62 have been revised by Recommendation No. 86 and are therefore obsolete.

Recommendation No. 86 is supplementary to Convention No. 97.

It deals in particular with the information, selection and conditions of residence of migrants. The free service provided in each country to assist migrants should be conducted by public authorities or by voluntary non-profit making organisation or partly by public authority and partly by such voluntary organisations. The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the emigrants are qualified to perform the required work. Migrants for employment authorised to reside in a territory should as far as possible be admitted to employment in the same conditions as nationals. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organisations concerning the operation of recruitment, introduction and placing of migrants for employment. The Recommendation annexes a model agreement on temporary and permanent migration for employment, including migration of refugees and displaced persons.

R. 6—Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)

The Recommendation calls for the taking of measures for the protection of workers and their families participating in migratory movements within a developing country, or from such a country to another country, and while in transit through third countries. They cover arrangements during outward and return journeys and prior to employment (transport, rest camps, medical examination, maintenance during acclimatisation, placing and repatriation); action in emigration and immigration areas to discourage migration viewed as undesirable in the general interest; protection of migrants during employment (housing, wages, equality of opportunity, right to association, social security, industrial safety and hygiene, welfare); stabilisation of permanent immigrants. The competent authorities should provide for supervision, with the co-operation of employ-

ers' and workers' organisations where both exist, of the application of the measures for the protection of migrant workers. The instrument is of current interest.

R. 7—Migrant Workers Recommendation, 1975 (No. 151)

The Recommendation is supplementary to Convention No. 143 and envisages further provisions on equality of opportunity and treatment, social policy in regard to migrants, their employment and residence. The instrument calls for provision of equality of opportunity and treatment in respect of vocational guidance, vocational training, placement services, employment security, working conditions and wages, membership of trade unions and cooperatives and conditions of life. Measures should be taken to inform the migrants of these provisions, as far as possible in their mother tongue; and an adequate system must be provided for examining and redressing complaints. The instrument visualises periodical review and evaluation of social policy designed to meet the special needs of migrant workers; adoption of measures that would accelerate the reuniting of migrant families including construction of family housing; rendering financial assistance to enable visiting of a migrant to the country of residence of his family and training in occupational safety and hygiene, alongwith provision for informing the migrant about safety rules and agreements that cover his job, in a language he understands. The Recommendation entitles the migrant workers and their families to social service benefits on equal terms with the other nationals of the country and lists a network of additional social services for them. The instrument provides for protection against withdrawal of authorisation of residence and its extension to facilitate search of alternate employment consequent upon loss of job, alongwith the right for re-instatement or compensation in case of unjustified termination.

Possible Subjects for New Standards: *Women Migrants, young migrants, seasonal migrants and frontier workers in Europe* are some of this subjects contemplated for future conference action.

III PLANTATIONS

The International Labour Conference decided that, as an exceptional measure, in order to expedite the application to plantations of certain provisions of existing Conventions, pending the more general ratification of these Conventions and the application of their provisions to all persons within their scope, and to provide for the application to plantations of certain Conventions not at present applicable thereto, it is desirable to adopt an instrument for these purposes.

Adoption of the following Conventions and Recommendations is the outcome of the decision.

CONVENTIONS :

C. 1—Plantations Convention, 1958 (No. 110)

Scope : Tropical and sub tropical plantations cultivating specified varieties of produce.

Object : The Convention aims to regulate the conditions of employment of plantation workers.

Theme : The Convention permits partial ratification. It consists of fourteen parts. Ratifying States should apply Parts I, IV, IX, XI and XIV, and at least two of the remaining parts. The various parts cover respectively : I. General provisions (scope and application of Convention) ; II. Engagement and recruitment of migrant workers (licensing of recruiters, supervision by public officers, medical examination, transport and welfare of workers) ; III. Contracts of employment (maximum period of service of manual workers 1 to 3 years, depending on circumstances) and abolition of penal sanctions for breaches thereof ; IV. Wages (minimum wage-fixing machinery, manner and period of payment, protection, enforcement) ; V. Annual holidays with pay (determination of minimum qualifying period and duration, proportionate holidays, manner of remuneration) ; VI. Weekly rest (normally at least 24 consecutive hours in every 7 days) ; VII. Maternity protection (total maternity leave at least 12 weeks, including 6 after confinement ; cash and medical benefits, insurance contri-

butions, nursing and working hours, protection from dismissal); VIII. Workmen's compensation (equal treatment of nationals and foreign workers); IX. Right to organise and collective bargaining, conciliation, protection against anti-union discrimination and interference; X. Freedom of association; XI. Labour inspection (role of service, rights and duties of inspectors, periodic reporting, enforcement); XII. Housing (determination of minimum standards, enforcement); XIII. Medical care (determination of standards, control of endemic diseases); XIV. Final provisions.

Prior Consultation : Employers' and workers' organisations should be consulted in connection with Parts I, III, IV, V, VI, VII, IX, XII, and XIII.

Current Status : It has been ratified by 10 States only. The scope of the Convention is very extensive and does not permit the exclusion of plantations on account of their limited size or the small number of workers employed. The revision of the Convention on this point has been suggested by the Asian Advisory Committee, in 1961 (11th Session) and in 1973 (15th Session). Action remains to be taken.

RECOMMENDATIONS :

R.1—Plantations Recommendation, 1958 (No. 110)

This is supplementary to Convention No. 110. The Recommendation requires member States to ensure the vocational training is provided and organised in an effective, rational, systematic and co-ordinated programme and calls for creation of a body of trained teachers and instructors in undeveloped areas. The instrument specifies the welfare activities which may be provided by public or voluntary action and calls for consultation of employers' and workers' organisations in administration and supervision of welfare activities provided through legislation. The Recommendation provides for further measures relating to wages (conditions, protection and equality of remuneration); hours of work and overtime; accident prevention and workmen's compensation; social security; and labour inspection.

ABSTRACT**INDIGENOUS AND TRIBAL POPULATIONS,
MIGRANTS AND PLANTATION WORKERS**

(CONVENTIONS AND RECOMMENDATIONS AS ON 1.1.1976)

CONVENTIONS :

S. No.	Convention number	Title	Year of adoption	Number of ratifications received	Remarks
1.	50	Recruiting of Indigenous Workers	1936	27	
2.	64	Contracts of Employment (Indigenous Workers)	1939	25	
3.	65	Penal Sanctions (Indigenous Workers)	1939	28	
4.	104	Abolition of Penal Sanctions (Indigenous Workers)	1955	23	
5.	86	Contracts of Employment (Indigenous Workers)	1947	19	
6.	107	Indigenous and Tribal Populations	1957	25	
7.	21	Inspection of Emigrants	1926	31	
8.	66	Migration for Employment	1939	0	Not come into force. No longer open to ratification.
9.	97	Migration for Employment (Revised)	1949	30	
10.	143	Migrant Workers (Supplementary Provisions)	1975	0	Not come into force.
11.	110	Plantations	1958	10	

RECOMMENDATIONS :

S. No.	Recommendation number	Title	Year of adoption
1.	46	Elimination of Recruiting	1936
2.	58	Contracts of Employment (Indigenous Workers)	1939
3.	104	Indigenous and Tribal Populations	1957
4.	2	Reciprocity of Treatment	1919
5.	26	Migration (Protection of Females at Sea)	1926
6.	61	Migration for Employment	1939
7.	62	Migration for Employment (Co-operation between States)	1939
8.	86	Migration for Employment (Revised)	1949
9.	100	Protection of Migrant Workers (Underdeveloped Countries)	1955
10.	151	Migrant Workers	1975
11.	110	Plantations	1958

APPENDICES

APPENDIX—I

ILO Conventions and the Number of Ratifications received by each.

(As on 1 January, 1976)

S. No.	Convention No.	Title	Year of adoption	Number of ratification received
(Basic Human Rights)				
1.	11	Right of Association (Agriculture)	1921	91
2.	84	Right of Association (Non-Metropolitan Territories)	1947	4
3.	87	Freedom of Association and Protection of the Right to Organise	1948	82
4.	98	Right to Organise and Collective Bargaining	1949	96
5.	135	Workers' Representatives	1971	19
6.	141x	Rural Workers' Organisations	1975	0
7.	29	Forced Labour	1930	107
8.	105	Abolition of Forced Labour	1957	91
9.	111	Discrimination (Employment and Occupation)	1958	87
10.	100	Equal Remuneration	1951	87
(Labour Administration)				
11.	81	Labour Inspection	1947	84
12.	85	Labour Inspectorates (Non-Metropolitan Territories)	1947	4
13.	129	Labour Inspection (Agriculture)	1969	17
14.	63	Convention concerning Statistics of Wages and Hours of Work	1938	32

(Industrial Relations)

Nil.

(Employment Policy and Human Resources Development)

15.	122	Employment Policy	1964	52
16.	2	Unemployment	1919	47
17.	88	Employment Service	1948	58
18.	34†	Fee-Charging Employment Agencies	1933	10
19.	96	Fee-Charging Employment Agencies (Revised)	1949	33
20.	142x	Human Resources Development	1975	0

(General Conditions of Employment)

21.	26	Minimum Wage-Fixing Machinery	1928	85
22.	99	Minimum Wage-Fixing Machinery (Agriculture)	1951	40
23.	131	Minimum Wage Fixing	1970	17
24.	94	Labour Clauses (Public Contracts)	1949	45
25.	95	Protection of Wages	1949	71
26.	20	Night Work (Bakeries)	1925	16
27.	1	Hours of Work Industry	1919	37
28.	30	Hours of Work (Commerce and Offices)	1930	26
29.	31x○	Hours of Work (Coal Mines)	1931	2
30.	46x	Hours of Work (Coal Mines) (Revised)	1935	3
31.	43	Sheet-Glass Works	1934	10
32.	49	Reduction of Hours of Work (Glass-Bottle Works)	1935	7
33.	47	Forty-Hour Week	1935	5
34.	51x	Reduction of Hours of Work (Public Works)	1936	0
35.	61x	Reduction of Hours of Work (Textiles)	1937	0
36.	67	Hours of Work and Rest Periods (Road Transport)	1939	4
37.	14	Weekly Rest (Industry)	1921	81
38.	106	Weekly Rest (Commerce and Offices)	1957	39
39.	52†	Holidays with Pay	1936	48
40.	132	Holiday with Pay (Revised)	1970	9
41.	101○	Holidays with Pay (Agriculture)	1952	38
42.	140	Paid Educational leave	1974	5

(Employment of Children and Young Persons)

43.	5○	Minimum Age (Industry)	1919	61
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44.	59○	Minimum Age (Industry) Revised	1937	32
45.	10○	Minimum Age (Agriculture)	1921	41
46.	33†	Minimum Age (Non-Industrial Employment)	1932	23
47.	60○	Minimum Age (Non-Industrial Employment) Revised	1937	11
48.	123○	Minimum Age (Underground Work)	1965	35
49.	138	Minimum Age	1973	3
50.	77	Medical Examination of Young Persons (Industry)	1946	28
51.	78	Medical Examination of Young Persons (Non-Industrial Occupations)	1946	26
52.	124	Medical Examination of Young Persons (Underground Work)	1965	28
53.	6○	Night Work of Young Persons (Industry)	1919	52
54.	90	Night Work of Young Persons (Industry) Revised	1948	37
55.	79	Night Work of Young Persons (Non- Industrial Occupations)	1946	16

(Employment of Women)

56.	3○	Maternity Protection	1919	28
57.	103	Maternity Protection (Revised)	1952	16
58.	4○	Night Work (Women)	1919	57
59.	41†	Night Work (Women) Revised	1934	36
60.	89	Night Work (Women) Revised	1948	53
61.	45	Underground Work (Women)	1935	78

(Industrial Safety, Health and Welfare)

62.	62	Safety Provisions (Building)	1937	26
63.	27	Marking of Weight (Packages Transported by Vessels)	1929	51
64.	28†	Protection against Accident (Dockers)	1929	4
65.	32	Protection against Accidents (Dockers) Revised	1932	38
66.	137	Dock Work	1973	7
67.	120	Hygiene (Commerce and Offices)	1964	36
68.	119	Guarding of Machinery	1963	33

69.	127	Maximum Weight	1967	17
70.	13	White Lead (Painting)	1921	49
71.	115	Radiation Protection	1960	31
72.	136	Benzene	1971	14
73.	139	Occupational Cancer	1974	3

(Social Security)

74.	102	Social Security (Minimum Standards)	1952	26
75.	118	Equality of Treatment (Social Security)	1962	30
76.	24○	Sickness Insurance (Industry)	1927	22
77.	25○	Sickness Insurance (Agriculture)	1927	17
78.	130	Medical Care and Sickness Benefits	1969	8
79.	35†	Old-Age Insurance (Industry, etc.)	1933	11
80.	36†	Old-Age Insurance (Agriculture)	1933	10
81.	37†	Invalidity Insurance (Industry, etc.)	1933	9
82.	38†	Invalidity Insurance (Agriculture)	1933	8
83.	39†	Survivor's Insurance (Industry, etc.)	1933	7
84.	40†	Survivors' Insurance (Agriculture)	1933	6
85.	48	Maintenance of Migrants' Pension Rights	1935	8
86.	128	Invalidity, Old-Age and Survivors' Benefits.	1967	9
87.	12○	Workmen's Compensation (Agriculture)	1921	54
88.	17○	Workmen's Compensation (Accidents)	1925	53
89.	18○	Workmen's Compensation (Occupational Diseases)	1925	53
90.	42○	Workmen's Compensation (Occupational Diseases) Revised)	1934	45
91.	19	Equality of Treatment (Accident Compensation)	1925	89
92.	121	Employment Injury Benefits	1964	15
93.	44	Unemployment Provision	1934	14

(Migration)

94.	21	Inspection of Emigrants	1926	31
95.	66x†	Migration for Employment	1939	0
96.	97	Migration for Employment (Revised)	1949	30
97.	143x	Migrant Workers (Supplementary Provisions)	1975	0

(Sea Farers)

98.	9	Placing of Seamen	1920	30
99.	22	Seamen's Articles of Agreement ¹	1926	44
100.	108	Seafarers' Identity Documents	1958	32
101.	7○	Minimum Age (Sea)	1920	43
102.	58○	Minimum Age (Sea) (Revised)	1936	46
103.	15○	Minimum Age (Trimmers and Stokers)	1921	60
104.	16	Medical Examination of Young Persons (Sea)	1921	61
105.	73	Medical Examination (Seafarers)	1946	23
106.	53	Officers' Competency Certificates	1936	25
107.	69	Certification of Ships' Cooks	1946	21
108.	74	Certification of Able Seamen	1946	18
109.	57x○	Hours of Work and Manning (Sea)	1936	4
110.	76x○	Wages, Hours of Work and Manning (Sea)	1946	1
111.	93x○	Wages, Hours of Work and Manning (Sea) (Revised)	1949	5
112.	109x	Wages, Hours of Work and Manning (Sea) (Revised)	1958	8
113.	54x†	Holidays with Pay (Sea)	1936	6
114.	72x†	Paid Vacations (Seafarers)	1946	5
115.	91	Paid Vacations (Seafarers) (Revised)	1949	18
116.	23	Repatriation of Seamen	1926	29
117.	68	Food and Catering (Ships' Crews)	1946	16
118.	75x†	Accommodation of Crews	1946	5
119.	92	Accommodation of Crews (Revised)	1949	23
120.	133x	Accommodation of Crews (Supplementary Provisions)	1970	8
121.	134	Prevention of Accidents (Seafarers)	1970	7
122.	8	Unemployment Indemnity (Shipwreck)	1920	42
123.	55	Shipowners' Liability (Sick and Injured Seamen)	1936	13
124.	56	Sickness Insurance (Sea)	1936	11
125.	70x	Social Security (Seafarers)	1946	7
126.	71	Seafarers' Pensions	1946	9
127.	112○	Minimum Age (Fishermen)	1959	30
128.	113	Medical Examination (Fishermen)	1959	19

129.	114	Fishermen's Articles of Agreement	1959	18
130.	125	Fishermen's Competency Certificates	1966	8
131.	126	Accommodation of Crews (Fishermen)	1966	10
(Indigenous and Tribal Populations)				
132.	50	Recruiting of Indigenous Workers	1936	27
133.	64	Contracts of Employment (Indigenous Workers)	1939	25
134.	65	Penal Sanctions (Indigenous Workers)	1939	28
135.	104	Abolition of Penal Sanctions (Indigenous Workers)	1955	23
136.	86	Contracts of Employment (Indigenous Workers)	1947	19
137.	107	Indigenous and Tribal Populations	1957	25
(Social Policy) General				
138.	82	Social Policy (Non-Metropolitan Territories)	1947	4
139.	117	Social Policy (Basic Aims and Standards)	1962	25
(Plantations)				
140.	110	Plantations	1958	10

N.B : Convention Nos. 80, 116 and 83 are not included in the above classification, as they are procedural. Convention Nos. 80 and 116 relate to *Revision of final Articles of Conventions*. Convention No. 83 concerns application of international labour standards in non-metropolitan territories.

x Convention which has not yet received the required number of ratifications for entry into force.

⊙ Convention revised by subsequent Conventions.

† Convention no longer open to ratification as a result of the entry into force of a revising Convention.

APPENDIX—II

ILO Recommendations

(As on 1st January, 1976)

S. No.	Recommendation number	Title	Year of adoption
(Basic Human Rights)			
1.	143	Workers' Representatives	1971
2.	149	Rural Workers' Organisations	1975
3.	35	Forced Labour (Indirect Compulsion)	1930
4.	36	Forced Labour (Regulation)	1930
5.	111	Discrimination (Employment and Occupation)	1958
6.	90	Equal Remuneration	1951
(Labour Administration)			
7.	5	Labour Inspection (Health Services)	1919
8.	20	Labour Inspection	1923
9.	54	Inspection (Building)	1937
10.	55	Co-operation in Accident Prevention (Building)	1937
11.	59	Labour Inspectorates (Indigenous Workers)	1939
12.	81	Labour Inspection.	1947
13.	82	Labour Inspection (Mining and Transport)	1947
14.	133	Labour Inspection (Agriculture)	1969
15.	19	Migration Statistics	1922
(Industrial Relations)			
16.	91	Collective Agreements	1951
17.	92	Voluntary Conciliation and Arbitration	1951
18.	94	Co-operation at the Level of the Undertaking	1952
19.	113	Consultation (Industrial and National Levels)	1960
20.	129	Communications within the Undertaking	1967
21.	130	Examination of Grievances	1967
(Social Policy and Human Resources Development)			
22.	11	Unemployment (Agriculture)	1921
23.	50	Public Works (International Co-operation)	1937
24.	51	Public Works (National Planning)	1937
25.	71	Employment (Transition from War to Peace)	1944

26.	73	Public Works (National Planning)	1944
27.	122	Employment Policy	1964
28.	45	Unemployment (Young Persons)	1935
29.	136	Special Youth Schemes	1970
30.	1	Unemployment	1919
31.	72	Employment Service	1944
32.	83	Employment Service	1948
33.	42	Employment Agencies	1933
34.	15	Vocational Education (Agriculture)	1921
35.	101	Vocational Training (Agriculture)	1956
36.	87	Vocational Guidance	1949
37.	57	Vocational Training	1939
38.	60	Apprenticeship	1939
39.	88	Vocational Training (Adults)	1950
40.	117	Vocational Training	1962
41.	56	Vocational Education (Building)	1937
42.	99	Vocational Rehabilitation (Disabled)	1955
43.	150	Human Resources Development	1975
		(General Conditions of Employment)	
44.	119	Termination of Employment	1963
45.	30	Minimum Wage-Fixing Machinery	1928
46.	89	Minimum Wage-Fixing Machinery (Agriculture)	1951
47.	135	Minimum Wage-Fixing	1970
48.	84	Labour Clauses (Public Contracts)	1949
49.	85	Protection of Wages	1949
50.	8	Hours of Work (Inland Navigation)	1920
51.	116	Reduction of Hours of Work	1962
52.	37	Hours of Work (Hotels, etc.)	1930
53.	38	Hours of Work (Theatres, etc.)	1930
54.	39	Hours of Work (Hospitals, etc.)	1930
55.	63	Control Books (Road Transport)	1939
56.	64	Night Work (Road Transport)	1939
57.	65	Method of Regulating Hours (Road Transport)	1939
58.	66	Rest Periods (Private Chauffeurs)	1939
59.	18	Weekly Rest (Commerce)	1921
60.	103	Weekly Rest (Commerce and Offices)	1957
61.	47	Holiday with Pay	1936

62.	93	Holidays with Pay (Agriculture)	1952
63.	98	Holidays with Pay	1954
64.	148	Paid Education Leave	1974
65.	21	Utilisation of Spare-Time	1924

(Employment of Children and Young Persons)

66.	41	Minimum Wage (Non-Industrial Employment)	1932
67.	52	Minimum Wage (Family Undertakings)	1937
68.	96	Minimum Age (Coal Mines)	1953
69.	124	Minimum Age (Underground Work)	1965
70.	146	Minimum Age	1973
71.	79	Medical Examination of Young Persons	1946
72.	14	Night Work of Children and Young Persons (Agriculture)	1921
73.	80	Night Work of Young Persons (Non-Industrial Occupations)	1946
74.	125	Employment Young Persons (Underground Work)	1965

(Employment of Women)

75.	123	Employment (Women with Family Responsibilities)	1965
76.	12	Maternity Protection (Agriculture)	1921
77.	95	Maternity Protection	1952
78.	13	Night Work of Women (Agriculture)	1921

(Industrial Safety, Health and Welfare)

79.	31	Prevention of Industrial Accidents	1929
80.	97	Protection of Workers' Health	1953
81.	112	Occupational Health Services	1959
82.	53	Safety Provisions (Building)	1937
83.	33	Protection against Accidents (Dockers) Reciprocity	1929
84.	40	Protection against Accidents (Dockers) Reciprocity	1932
85.	34	Protection against Accidents (Dockers) Consultation of Organisations	1929
86.	145	Dock Work	1973
87.	120	Hygiene (Commerce and Offices)	1964

88.	32	Power-driven Machines	1929
89.	118	Guarding of Machinery	1963
90.	128	Maximum Weight	1967
91.	3	Anthrax Prevention	1919
92.	4	Lead Poisoning (Women and Children)	1919
93.	6	White Phosphorus	1919
94.	114	Radiation Protection	1960
95.	144	Benzene	1971
96.	147	Occupational Cancer	1974
97.	16	Living-in Conditions (Agriculture)	1921
98.	115	Workers' Housing	1961
99.	102	Welfare Facilities	1956

(Social Security)

100.	67	Income Security	1944
101.	68	Social Security (Armed Forces)	1944
102.	17	Social Insurance (Agriculture)	1921
103.	29	Sickness Insurance	1927
104.	69	Medical Care	1944
105.	134	Medical Care and Sickness Benefits	1969
106.	43	Invalidity, Old-Age and Survivors' Insurance	1933
107.	131	Invalidity, Old-Age and Survivors' Benefits	1967
108.	22	Worker's Compensation (Minimum Scale)	1925
109.	23	Workmen's Compensation (Jurisdiction)	1925
110.	24	Workmen's Compensation (Occupational Diseases)	1925
111.	25	Equality of Treatment (Accident Compensation)	1925
112.	121	Employment Injury Benefits	1964
113.	44	Unemployment Provision	1934

(Migration)

114.	26	Migration (Protection of Female at Sea)	1926
115.	61	Migration for Employment	1939
116.	62	Migration for Employment (Co-operation between States)	1939
117.	86	Migration for Employment (Revised)	1949
118.	100	Protection of Migrant Workers (Underdeveloped Countries)	1955

119. 151 Migrant Workers 1975

(Sea Farers)

120.	9	National Seamen's Codes	1920
121.	107	Seafarers' Engagement (Foreign Vessels)	1958
122.	108	Social Conditions and Safety (Seafarers)	1958
123.	139	Employment of Seafarers (Technical Developments)	1970
124.	77	Vocational Training (Seafarers)	1946
125.	137	Vocational Training (Seafarers)	1970
126.	49	Hours of Work and Manning (Sea)	1936
127.	109	Wages, Hours of Work and Manning (Sea)	1958
128.	27	Repatriation (Ship Masters and Apprentices)	1926
129.	78	Bedding, Mess Utensils, Miscellaneous Provisions (Ships' Crews)	1946
130.	140	Crew Accommodation (Air-Conditioning)	1970
131.	141	Crew Accommodation (Noise Control)	1970
132.	105	Ships' Medicine Chests	1958
133.	106	Medical Advice at Sea	1958
134.	142	Prevention of Accident (Seafarers)	1970
135.	48	Seamen's Welfare in Ports	1936
136.	138	Seafarers' Welfare	1970
137.	28	Labour Inspection (Seamen)	1926
138.	10	Unemployment Insurance (Seamen)	1920
139.	75	Seafarer's Social Security (Agreements)	1946
140.	76	Seafarers (Medical Care for Dependents)	1946
141.	7	Hours of Work (Fishing)	1920
142.	126	Vocational Training (Fishermen)	1966

(Indigenous and Tribal Populations)

143.	46	Elimination of Recruiting	1936
144.	58	Contracts of Employment (Indigenous Workers)	1939
145.	104	Indigenous and Tribal Populations	1957
146.	2	Reciprocity of Treatment	1919

(Social Policy) General

147.	70	Social Policy in Dependent Territories	1944
148.	74	Social Policy in Dependent Territories (Supplementary Provisions)	1945
149.	127	Co-operatives (Developing Countries)	1966
150.	132	Tenants and Share-Croppers	1968

(Plantations)

151.	110	Plantations	1958
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APPENDIX III

THE CONSTITUTION OF THE INTERNATIONAL
LABOUR ORGANISATIONText of the Constitution¹

PREAMBLE

Whereas universal and lasting peace can be established only if it is based upon social justice ;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled ; and an improvement of those conditions is urgently required : as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures ;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries ;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining

¹ The original text of the Constitution, established in 1919, has been modified by the amendment of 1922 which entered into force on 4 June 1934 ; the Instrument of Amendment of 1945 which entered into force on 26 September 1946 ; the Instrument of Amendment of 1946 which entered into force on 20 April 1948 ; the Instrument of Amendment of 1953 which entered into force on 20 May 1954 ; the Instrument of Amendment of 1962 which entered into force on 22¹ May 1963 ; and the Instrument of Amendment of 1972 which entered into force on 1 November 1974.

the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organisation :

CHAPTER I—ORGANISATION

Article 1

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

Constitution

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation

may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this article as the case may be.

Article 2

The permanent organisation shall consist of—

- (a) a General Conference of representatives of the Members ;
- (b) a Governing Body composed as described in article 7 ;
- (c) an International Labour Office controlled by the Governing Body.

Article 3

Conference

1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates—

- (a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory ; and
- (b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article.

Article 4

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present article shall apply as if that delegate had not been nominated.

Article 5

The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

Article 6

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

Article 7

1. The Governing Body shall consist of fifty-six persons—
 Governing Body Composition Twenty-eight representing governments, Fourteen representing the employers, and Fourteen representing the workers.

2. Of the twenty-eight persons representing governments, ten shall be appointed by the Members of chief industrial importance, and eighteen shall be appointed by the Government representatives the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the ten Members mentioned above.

3. The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the

Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

4. The persons representing the employers and the persons Employers' and representing the workers shall be elected respectively by the Employers' delegates and the Workers' delegates to the Conference.

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect from its number a chairman and two vice-chairmen, of whom one shall be a person representing a government, one a person representing the employers, and one a person representing the workers.

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least sixteen of the representatives on the Governing Body.

Article 8

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

*Article 9***Staff**

1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

5. Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office shall—

(a) prepare the documents on the various items of the agenda for the meetings of the Conference ;

(b) accord to Governments at their request all appropriate

assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection ;

(c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions ;

(d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Article 11

The government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the government may nominate for the purpose.

Article 12

1. The International Labour Organisation shall cooperate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

2. The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international

organisations, including international organisations of employers, workers, agriculturists and co-operators.

Article 13

1. The International Labour Organisation may make Financial and such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be ;

(b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organisation ;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years : Provided that the Conference may by a two-thirds majority of

Arrears in pay-
ment of contri-
butions

the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II—PROCEDURE

Article 14

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the government of any of the Members or by any representative organisation recognised for the purpose of article 3, or by any public international organisation.

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Article 15

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Article 16

1. Any of the governments of the Members may formally
 Objections to agenda object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the
 Inclusion of new items by Conference preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 17

1. The Conference shall elect a president and three vice-presidents. One of the vice-presidents shall be
 Officers of Conference, procedure and committees a Government delegate, one an Employers' delegate and one a Workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the
 Voting financial and budgetary arrangements adopted in virtue of article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes
 Quorum cast is equal to half the number of the delegates attending the Conference.

Article 18

The Conference may add to any committees which it
 Technical experts appoints technical experts without power to vote.

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form : (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a convention.

Conventions
and Recom-
mendations
Decisions of the
Conference

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

Vote required

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

Modifications
for special local
conditions

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

Authentic texts

5. In the case of a Convention—

Obligations of Members in respect of Conventions (a) the Convention will be communicated to all Members for ratification ;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no

case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action ;

- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them ;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention ;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

Obligations of
Members in res-
pect of Recom-
mendations

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise ;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one

- year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action ;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them ;
 - (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply :
Obligations of federal States

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States ;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons rather than for federal action, the federal government shall—
 - (i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference

of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action ;

- (ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations ;
- (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them ;
- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise ;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions

of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Effect of Con-
ventions and
Recommendations on more
favourable
existing
provisions

Article 20

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Registration
with the United
Nations

Article 21

1. If any Convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

Conventions
not adopted by
the Conference

2. Any Convention so agreed to shall be communicated by the governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations.

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Annual reports
on ratified
Conventions

Article 23

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of articles 19 and 22.

2. Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Article 25

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Co-operation
with Commis-
sion of Inquiry

Article 28

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Report of Com-
mission of
Inquiry

Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.

Action on
report of Com-
mission of
Inquiry

2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission ; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Article 30

In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (i) of article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Failure to submit Conventions or Recommendations to competent authorities

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

Decisions of International Court of Justice

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Failure to carry out recommendations of Commission of Inquiry or ICJ

Article 34

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a

Compliance with recommendations of Commission of Inquiry or ICJ

Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.

CHAPTER III—GENERAL

Article 35

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject-matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject-matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that

territory shall bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government. Thereafter the Member, in agreement with the government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modification of the provisions of the Conventions as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with

in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organisation including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of article 7 of this Constitution.

Article 37

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

Article 38

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV—MISCELLANEOUS PROVISIONS

Article 39

The International Labour Organisation shall possess full juridical personality and in particular the capacity—

- (a) to contract ;
- (b) to acquire and dispose of immovable and movable property ;
- (c) to institute legal proceedings.

Article 40

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the States Members.

ANNEX

**Declaration concerning the Aims and Purposes of the
International Labour Organisation**

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia,

hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that—

- (a) labour is not a commodity ;
- (b) freedom of expression and of association are essential to sustained progress ;
- (c) poverty anywhere constitutes a danger to prosperity everywhere ;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that—

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity ;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy ;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only insofar as they may be held to promote and not to hinder the achievement of this fundamental objective ;
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic

and financial policies and measures in the light of this fundamental objective ;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve :

(a) full employment and the raising of standards of living ;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being ;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement ;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection ;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures ;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care ;

(g) adequate protection for the life and health of workers in all occupations ;

(h) provision for child welfare and maternity protection ;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture ;

(j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government is a matter of concern to the whole civilised world.

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